



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

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No. 16] NEW DELHI, SATURDAY, APRIL 22, 1967/VAISAKHA 2, 1889

इस भाग में भिन्न पृष्ठ संख्या की आती है जिससे कि यह ग्रन्थ संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 8 अप्रैल, 1967 तक प्रकाशित किये गये:—

The undersigned Gazette of India Extraordinary were published up to the 8th April, 1967:—

Issue No. 1	No. and Date	Issued by	Subject
181	S.O. 1132, dated 3rd April, 1967.	Rajya Sabha Secretariat.	Election to the Office of President of India.
	एस० ओ० 1133, दिनांक राज्य सभा सचिवालय भारत के राष्ट्रपति के पद के लिए निर्वाचन । 3 अप्रैल 1967।		
182	S. O. 1134, dated 4th April, 1967.	Ministry of Commerce.	Appointment of Appellate Panel for Rubber Hot Water Bottles.
183	S.O. 1135, dated 4th April, 1967.	Election Commission India	By-election of the Udhampur Parliamentary Constituency in the State of Jammu and Kashmir.
	S.O. 1136, Dated 4th April, 1967.	Do.	Appointment of dates for the above bye-election (S.O. 1135).
	S. O. 1137, dated 4th, April, 1967.	Do.	Fixation of hours for the above bye-election (S. O. 1135).
184	S.O. 1209, dated 4th April, 1967.	Do.	Bye-election to the Council of States by the elected Members of the Haryana Legislative Assembly.
185	S. O. 1210, dated 4th April, 1967.	Ministry of Commerce.	Appointment of Appellate Panel for Rubber Belts.
186	S.O. 1211, dated 4th April, 1967.	Ministry of Home Affairs.	Directions in respect of the Punjab State Warehousing Corporation, referred therein.

Issue No.	No. and Date	Issued by	Subject
187	S. O. 1212, dated 4th April, 1967.]	Ministry of Law	Bye-election to fill Casual Vacancy in the Council of States of the Madhya Pradesh.
188	S.O. 1213, dated 4th April, 1967.]	Election Commission, India.]	Bye-Election to the House of the People from the Bombay North East Parliamentary Constituency.
189	S. O. 1214, dated 5th April, 1967.	Do.]	Election to the Council of States by the elected members of the Legislative Assembly of Punjab.
190	S. O. 1215, dated 5th April, 1967.	Do.]	Appointment of dates for electing three members by the Legislative Assembly of Kerala to the Council of States.
	S. O. 1216, dated 5th April, 1967.	Do.]	Designating the Secretary, Kerala Legislative Assembly, Trivandrum to be the Returning Officer for the above biennial election s . (S. O. 1215).]
	S. O. 1217, dated 5th April, 1967.	Do.]	Appointment of the Deputy Secretary, Kerala Legislative Assembly, Trivandrum, to assist the Returning Officer for the above biennial elections (S.O. 1215).
	S. O. 1218, dated 5th April, 1967.	Do.]	Fixation of hours for the above biennial elections (S.O. 1215).
191	S.O. 1219, dated 5th April, 1967.]	Ministry of Home Affairs.	Rescissions of the Order in relation to the Union territory of Goa, Daman and Diu.
192	S.O. 1220, dated 5th April, 1967.	Election Commission, India.]	Calling upon the elected members of the Legislative Assembly of the state of Jammu and Kashmir to elect a person to fill the vacancy in the Council of States.
	S. O. 1221, dated, 5th April, 1967.	Do.]	Appointment of dates for the above election (S.O. 1220).
	S.O. 1222, dated 5th April, 1967.	Do.]	Fixation of hours for the above election (S.O. 1220).
	S. O. 1223, dated 5th April, 1967.	Do.]	Designating the Secretary, Jammu and Kashmir Legislative Council to be the Returning Officer for the above election (S.O. 1220).
	S.O. 1224, dated 5th April, 1967.]	Do.]	Appointment of the Deputy Secretary, Jammu and Kashmir Legislative Council to assist the Returning Officer for the above election (S.O. 1220).
193	S.O. 1225, dated 5th April, 1967.]	Ministry of Law	Calling upon the elected members of the Legislative Assembly of the State of Kerala to elect three members for filling the seats of the members of the Council of States representing that State on the expiry of their term of office.
194	S. O. 1226, dated 5th April, 1967.	Election Commission, India.	By election to the House of the People from the 7-Bhavnagar Parliamentary Constituency.

Issue No.	No. and Date	Issued by	Subject
195	S. O. 1227, dated 6th April, 1967.	Election Commission, India.	Calling upon the elected members of the Legislative Assembly of the State of Kerala to elect a person to fill the vacancy in the Council of States.
	S. O. 1228, dated 6th April, 1967.	Do.	Appointment of dates for the above election (S.O. 1227).
	S.O. 1229, dated 6th April, 1967	Do.	Fixation of hours for the above election (S.O. 1227).
	S.O. 1230, dated 6th April, 1967.	Do.	Designating the Secretary, Legislative Assembly, Kerala to be the Returning Officer for the above election (S.O. 1227).
	S. O. 1231, dated 6th April, 1967.	Do.	Appointment of the Deputy Secretary Legislative Assembly, Kerala, Trivandrum to assist the Returning Officer for the above election (S.O. 1227).
196	S.O. 1232, dated 6th April, 1967.	Do.	Calling upon the elected members of the Legislative Assembly, of the State of Kerala to elect a person to fill the vacancy in the Council of States.
	S. O. 1233, dated 6th April, 1967.	Do.	Appointment of dates for the above election (S.O. 1232).
	S. O. 1234, dated 6th April, 1967.	Do.	Fixation of hours for the above election (S. O. 1232).
	S.O. 1235, dated 6th April, 1967.	Do.	Designating the Secretary, Legislative Assembly, Kerala, to be the Returning Officer for the above election (S.O. 1232).
	S.O. 1236, dated 6th April, 1967.	Do.	Appointment of the Deputy Secretary Legislative Assembly, Kerala, to assist the Returning Officer for the above election (S.O. 1232).
197	S. O. 1237, dated 6th April, 1967.	Do.	Calling upon the elected members of the Legislative of the State of Jammu & Kashmir to elect a person to fill the vacancy in the Council of States.
	S. O. 1238, dated 6th April, 1967.	Do.	Appointment of dates for the above election (S.O. 1237).
	S. O. 1239, dated 6th April, 1967.	Do.	Fixation of hours for the above election (S.O. 1237).
	S. O. 1240, dated 6th April, 1967.	Do.	Designating the Secretary, Jammu and Kashmir Legislative Council, Jammu to be the Returning Officer for the above election (S.O. 1237).
	S.O. 1241, dated 6th April, 1967.	Do.	Appointment of the Deputy Secretary Jammu and Kashmir Legislative Council, to assist the Returning Officer for the above election (S.O. 1237).
198	S. O. 1242, dated 6th April, 1967.	Do.	Appointment of the Secretary to the Legislative Assembly of each State to be an Assistant Returning Officer for the Presidential Election.

Issue No.	No. and date	Issued by	Subject
199	S. O. 1243, dated 6th April, 1967.	Election Commission, India.	Bye-election to the Council of States by the elected members of the Legislative Assembly.
200	S.O. 1244, dated 8th April, 1967.]	Do.	Calling upon the elected members of the Legislative Assembly of the State of Orissa to elect a person to fill the vacancy in the Council of States.
	S.O. 1245, dated 8th April, 1967.	Do.]	Appointment of dates for the above election (S.O. 1244).
	S. O. 1246, dated 8th April, 1967.	Do.]	Fixation of hours for the above election (S.O. 1244).
	S. O. 1247, dated 8th April, 1967.]	Do.	Designating the Secretary, Orissa Legislative Assembly, to be the Returning Officer for the above election (S.O. 1244).
	S. O. 1248, dated 8th April, 1967.]	Do.	Appointment of the Assistant Secretary, Orissa Legislative Assembly, to assist the Returning Officer for the above election (S.O. 1244).
201	S. O. 1249, dated 8th April, 1967.	Do.	Calling upon the elected members of the Legislative Assembly of the State of Maharashtra to elect a person to fill the vacancy in the Council of States.
	S. O. 1250, dated 8th April, 1967.]	Do.	Appointment of dates for the above election (S.O. 1249).
	S.O. 1251, dated 8th April, 1967.]	Do.	Fixation of hours for the above election (S.O. 1249).
	S. O. 1252, dated 8th April, 1967.]	Do.	Designating the Deputy Secretary, Maharashtra Legislative Secretariat to be the Returning Officer for the above election (S.O. 1249).
	S.O. 1253, dated 8th April, 1967.	Do.]	Appointment of the under Secretary, Maharashtra Legislature Secretariat to assist the Returning Officer for the above election (S.O. 1249).
202	S.O. 1254 , dated 8th April, 1967.	Do.	Calling upon the elected members of the Legislative Assembly of the State of Maharashtra to elect a person to fill the vacancy in the Council of States.
	S. O. 1255, dated, 8th April, 1967.	Do.	Appointment of dates for the above election (S.O. 1254).
	S. O. 1256, dated 8th April, 1967.	Do.	Fixation of hours for the above election (S.O. 1254).
	S. O. 1257, dated 8th April, 1967.	Do.	Designating the Deputy Secretary, Maharashtra Legislature Secretariat to be the Returning Officer for the above election (S.O. 1254).

Issue No.	No. and date	Issued by	Subject
	S.O. 1258, dated, 8th April, 1967.	Election Commission, India.	Appointment of the Under Secretary, Maharashtra Legislature Secretariat, to assist the Returning Officer for the above election (S.O. 1254).

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, विस्ती के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की सारी बात से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आवेदन और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 14th April 1967

S.O. 1381.—In pursuance of Clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorizes Shri R. Goswami, Assistant, in the Consulate of India, Kandahar to perform the duties of a Consular Agent during the period from the 18th November, 1966 to the 16th January, 1967.

[No. T. 4330/1/67.]

S. K. CHATTERJEE, Under Secy.

विवेद भौत्तालय

नई दिल्ली, 24 प्रैल 1967

एस० ओ० 1382.—राजनयिक एवं कौसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 की धारा (क) खण्ड 2 के अनुपालन में केन्द्रसरकार इसके द्वारा भारत का कौसलावास, कन्धार में सहायक, श्री आर० गोस्वामी को 18 नवम्बर 1966 से 16 जनवरी 1967 तक की अवधि के लिए कौमनी एजेन्ट का कार्य करने का अधिकार देती है।

[स० टी० 4330/1/67]

एस० क० चटर्जी,

अवर सचिव।

MINISTRY OF FINANCE**(Department of Economic Affairs)***New Delhi, the 11th April 1967*

S.O. 1383.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declare that the provisions of section 9 of the said Act shall not apply to the Punjab Co-operative Bank Ltd., Amritsar, in respect of the undernoted properties held by it at Rupar, till the 3rd January 1968.

1. 3 houses and 2 shops.
2. One plot of land on Kurall Road, measuring 16 Biswas.
3. Three plots of land on Hospital Road, measuring 47 Biswas (including 5 Biswas utilised for passage).

[No. F. 15(1)-BC/67.]

New Delhi, the 12th April 1967

S.O. 1384.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Sahukara Bank Ltd., Ludhiana, in respect of the properties held by it at Banga, Tullundur District, Punjab, till the 15th March, 1968.

[No. F.15(6)-BC/67.]

New Delhi, the 13th April 1967

S.O. 1385.—Statement of the Affairs of the Reserve Bank of India as on the 7th April 1967.

BANKING DEPARTMENT

LIABILITIES	RS.	ASSETS	RS.
Capital Paid Up	5,00,00,000	Notes	25,73,37,000
		Rupee Coin	5,01,000
Reserve Fund	80,00,00,000	Small Coin	3,64,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted —	
		(a) Internal	—
		(b) External	—
		(c) Government Treasury Bills	207,92,12,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad* Investments**	48,33,64,000
National Industrial Credit (Long Term Operations) Fund	20,00,00,000	Loans and Advances to :—	200,15,84,000
		(i) Central Government	
		(ii) State Governments @	52,31,37,000

LIABILITIES	Rs.	ASSETS	Rs.
Deposits :—		Loans and advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	86,10,01,000
(ii) Central Government	53,70,47,000	(ii) State Co-operative Banks‡	145,44,58,000
(iii) State Government	26,60,72,000	(iii) Others	1,85,30,000
(b) Banks		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(i) Scheduled Commercial Banks	135,53,30,000	(a) Loans and Advances to	
(ii) Scheduled State Co-operative Banks	4,61,24,000	(i) State Governments	28,29,86,000
(iii) Non-Scheduled State Co-operative Banks	64,75,000	(ii) State Co-operative Banks	12,07,44,000
(iv) Other Banks	8,44,000	(iii) Central Land Mortgage Banks . . . . .	..
(c) Others	272,70,18,000	(b) Investment in Central Land Mortgage Bank Debentures	7,11,93,000
Bills Payable	25,28,34,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
Other Liabilities	107,71,82,000	Loans and Advances to State Co-operative Banks	3,40,38,000
Rupees	862,89,26,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :—	
		(a) Loans and Advances to the Development Bank	5,24,15,000
		(b) Investment in bonds/debentures issued by the Development Bank	
		Other Assets	38,80,62,000
		Rupees	862,89,26,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 52,04,96,000 advanced to scheduled commercial banks against usance bills under section 17(4)(c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 12th day of April 1967.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 7th day of April 1967.

Issue Department

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department.	25,73,37,000		Gold Coin and Bullion :—		
(a) Held in India			(a) Held in India	115,89,25,000	
Notes in circulation	3110,51,07,000		(b) Held outside India		..
Total Notes issued		3136,24,44,000	Foreign Securities		186,42,01,000
			TOTAL		302,31,26,000
			Rupee Coin		74,01,59,000
			Government of India Rupee Securities		2759,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		3136,24,44,000	TOTAL ASSETS		3136,24,44,000

Dated the 12th day of April, 1967.

P. C. BHATTACHARYYA,
Governor.

[No. F.3(3)-BC/67.]

V. SWAMINATHAN, Under Secy.

(Department of Revenue and Insurance)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 12th April 1967

S.O. 1386.—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint the undermentioned officers as Authorised Representatives, Income-tax Appellate Tribunal, with effect from the date noted against them to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal:—

S. No.	Name of the officer	Appointed as	Date of appointment
1	2	3	4
1.	Shri B. Lakshmpathy, Inspector Assistant Commissioner of Income-tax, Bombay.	Authorised Representative Income-tax Appellate Tribunal, Bombay.	1-3-67
2.	Shri M.L.C.D' Souza, Inspector Assistant Commissioner of Income-tax, West Bengal, Calcutta.	Authorised Representative, Income-tax Appellate Tribunal Calcutta.	12-1-67 (A.N.)

[No. 65.]

M. G. THOMAS, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME TAX

New Delhi, the 11th April 1967

S.O. 1387.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendments in the schedule appended to its Notification No. 107 (F. No. 50/5/66-ITJ) dated the 27th October, 1966, namely:

In the said schedule against Ludhiana Range under column 2 of the following entries shall be substituted, namely:

Ludhiana Range: 1. All Income-tax Circles, Wards and Districts having headquarters at:

- (i) Ludhiana except Central Circle Ludhiana
- (ii) Moga
- (iii) Chandigarh
- (iv) Ferozepur
- (v) Khanna

3. Special Survey Circle, Patiala (in respect of persons who have their principal place of business in or reside in the jurisdiction of Income-tax Officers, Ludhiana, Khanna, Moga and Ferozepur).

3. Special Survey Circle, Patiala (in respect of persons who have their place of business in or reside in the jurisdiction of Income-tax Officer, Chandigarh).

This notification shall take effect from 15th April, 1967.

Explanatory Note

The amendment has become necessary on account of creation of a new circle at Khanna.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 25 (F. No. 50/74/67-ITJ).]

S.O. 1388.—In exercise of the powers conferred by sub-section (1) of section 123 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendment in the Schedule appended to its Notification No. 12-Income-tax (F. No. 50/7/66-ITJ), dated 14th January, 1966, namely:—

In the said schedule against T Range Calcutta, under column 2 the following shall be added namely:

3. Special Circle, III-West Bengal-III.

Explanatory Note

The amendment has become necessary on account of the creation of a new Special Circle III in the charge of the C.I.T., West Bengal III.

(The above note does not form part of the notification but is intended to be merely clarificatory).

[No. 26 (F. No. 50/76/67-ITJ).]

New Delhi, the 13th April 1967

S.O. 1389.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf the Central Board of Direct Taxes hereby makes the following amendment in the Schedule appended to its Notification No. 76 (F. No. 50/6/66-ITJ), dated the 9th August, 1966, namely:

In the said Schedule against B-Range, Patna, under column 2 the following shall be added:

- Patna 'B' 6. A-Ward, Special Circle, Patna.
7. B-Ward, Special Circle, Patna.

Explanatory Note

The amendment has become necessary on account of the creation of two new Wards known as A-Ward and B-Ward, Special Circle, Patna in the Commissioner of Income-tax's charge.

(The above note does not form part of the notification but is merely intended to be clarificatory).

[No. 27 (F. No. 50/77/67-ITJ).]

P. G. GANDHI, Under Secy.

MINISTRY OF COMMERCE

New Delhi, the 5th April 1967

S.O. 1390.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order further to amend the Cotton Control Order, 1955, namely:—

1. This Order may be called the Cotton Control (Amendment) Order, 1967.
2. In the Cotton Control Order, 1955,
in sub-clause (3) of clause 7,
 - (i) in item (ii), the word 'and' occurring at the end shall be omitted;
 - (ii) in item (iii), the word 'and' shall be inserted at the end;

(iii) after item (iii), the following item shall be inserted, namely:—

“(iv) a person who does not at any time have in his possession for sale a quantity of cotton exceeding one thousand kilograms.”

[No. 10(1)-Tex(A)/67.]

T. S. KUNCHITHAPATHAM, Dy. Secy.

New Delhi, the 14th April 1967

S.O. 1391.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Bombay Oilseeds and Oils Exchange Ltd., Bombay, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Exchange for a further period of three years from the 25th April, 1967 up to the 24th April, 1970, both days inclusive, in respect of forward contracts in groundnut oil.

2. The recognition hereby granted is subject to the condition that said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(7)-Com. Genl/FMC/67.]

M. L. GUPTA, Under Secy.

MINISTRY OF INDUSTRY

(Indian Standards Institution)

New Delhi, the 7th April 1967

S.O. 1392.—In licence No. CM/L-157 dated 23 December 1959 held by M/s. Shamsher Sterling Cable Corp. Ltd., Vaswani Mansions, Dinhara Wacha Road, Bombay-I, the details of which are published under S.O. 411 in the Gazette of India, Part II, Section 3, Sub-section 3 (ii) dated 5 February 1966, the list of articles has been revised as under with effect from 16 March 1967 :

Type	Voltage Grade	Conductor
<i>(a) VIR Cables for Fixed Wiring</i>		
(i) TRS (Tough Rubber Sheathed)	250/440 Volts	
(ii) Braided and Compounded	250/440 and 650/1100 Volts	
(iii) Weatherproof	250/440 and 650/1100 Volts	
(iv) Flame Retarding	250/440 Volts	
<i>(b) VIR Flexible Cords</i>		
(v) Twisted and circular artificial silk or glace cotton braided	250/440 Volts	Copper only
(vi) TRS (Tough Rubber Sheathed)	250/440 Volts	Copper only

[No. MD/55:426.]

S.O. 1393.—In licence No. CM/L-426 dated 30 June 1962 held by M/s. Asian Cables Corp. Ltd., Kotak Wadi, Pokhran Road, Majiwade, Thana (Maharashtra State) having their Regd. Office at 254/D, Dr. Annie Besant Road, Worli, Bombay-18, the details of which are published

under S. O. 2247 in the Gazette of India, Part II, Section 3, Sub-section 3(ii) dated 30th July 1966, the list of articles has been revised as under with effect from 16 March 1967;

Type	Voltage grade	Conductor
(a) <i>VIR cables for fixed wiring</i>		
(i) TRS (Tough rubber sheathed)	250/440 and 650/1 100 Volts	Copper or aluminium
(ii) Flame retarding	250/440 Volts	
(iii) Braided and compounded	250/440 and 650/1 100 Volts	
(iv) Weatherproof	250/440 and 650/1 100 Volts	
(v) TRS with earth continuity conductor	250/440 Volts	Copper only
(vi) Flame retarding	650/1 100 Volts	Aluminium only
(b) <i>VIR flexible cables</i>		
(vii) Tough rubber sheathed	650/1 100 Volts	Copper only
(viii) Single core welding . . . . .	.. .. .. .. ..	Copper only
(c) <i>VIR flexible cords</i>		
(ix) Twisted twin and braided	250/440 Volts	Copper only
(x) Workshop type		
(xi) Tough rubber sheathed		

[No. MD/55.426.]

S.O. 1394.—In licence No. CM/L-840 dated 23 November 1964 held by M/s Shamsher Sterling Cable Corp Ltd, Kiroli-Ghatkopar, Bombay-77 having their Regd. Office at Vaswani Mansions, Dinsha Wacha Road, Bombay-1, the details of which are published under S.O. 3924 in the Gazette, of India, Part II, Section 3, Sub-section 3(ii) dated 24 Dec. 1966, the list of articles has been revised as under with effect from 16 March 1967 :

Type	Voltage grade	Conductor
(a) <i>PVC Insulated Cables</i>		
(i) Single core (unsheathed)	250/440 and 650/1 100 Volts	Copper or aluminium
(ii) Single core (PVC sheathed)	250/440 and 650/1 100 Volts	Aluminium only
(iii) Flat twin with or without ECC (PVC sheathed)	250/440 Volts	Aluminium only
(b) <i>PVC Insulated Flexible Cords</i>		
(iv) Twin-twisted (unsheathed)	250/440 Volts	Copper only.
(v) PVC insulated and sheathed	250/440 Volts	Copper only.

[No. MD/55:426.]

S. K. SEN,
Dy. Director General.

(DEPARTMENT OF ATOMIC ENERGY)

Bombay, the 6th March 1967

S.O. 1395.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24, read with rule 34 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendment to the

Notification of Government of India in the Department of Atomic Energy No. S.R.O. 1913 dated August 14, 1959 namely:—

In the Schedule to the said notification, for the words "Atomic Energy Establishment, Trombay" wherever they appear, the words "Bhabha Atomic Research Centre" shall be substituted.

[No. 32(3)/55-Adm.]

B. J. THAKUR, Under Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING

New Delhi, the 12th April 1967

S.O. 1396.—In exercise of the powers conferred by section 21 of the Drugs and Cosmetics Act, 1940 (23 of 1940), the Central Government hereby appoints Shri Nani Bhushan Ray, Drugs Inspector, Central Drugs Standard Control Organisation, Madras, as an Inspector for the purposes of the said Act for the whole of India.

[No. F. 2-4/66-D]

AMAR NATH VARMA, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 7th April 1967

S.O. 1397.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General of Posts and Telegraphs, hereby specifies the 1st May, 1967 as the date on which the Measured Rate System will be introduced in UNZA Telephone Exchange.

[No. 5-17/67-PHB (3).]

D. R. BAHL,
Asstt. Director Genl. (PHB).

तंचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 7 अप्रैल 1967

एस० ओ० 1398.—स्थाई आदेश क्रमसंख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 40 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिवेशक ने उनजा टेलीफोन केन्द्र में 1-5-1967 से प्रमाणित दर प्रणाली लागू करने का निष्ठय किया है।

[स० 5/17/67/पी० एच० बी० (3)]

डी० आर० बहल,

सहायक महानिवेशक पी० एच० बी० ।

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 11th April 1967

S.O. 1399.—In exercise of the powers conferred by sub-section (1) of section 36 of the I.E. Act, 1910 and in supersession of all the previous notifications issued in

this behalf, the Central Government hereby appoint, with immediate effect, until further orders, Shri B. S. R. Iengar, Deputy Director, Central Water and Power Commission (Power Wing) to be the Central Electrical Inspector, vice Shri C. K. V. Rao in respect of the following:—

1. *Union Territories of—*
Himachal Pradesh, Manipur, Tripura and Andaman and Nicobar Islands and within the territories of Pondicherry and Dadra and Nagar Haveli.
2. *Ministry of Information and Broadcasting:*
All India Radio.
3. *Ministry of Works, Housing and Supply:*
Central Public Works Department.
4. *Ministry of Transport and Shipping:*
Cochin, Kandla and Tuticorin Ports.
5. *Ministry of Tourism and Civil Aviation:*
(1) Indian Meteorological Department,
(2) Civil Aviation.
6. *Ministry of Labour, Employment and Rehabilitation (Department of Rehabilitation):*
DandaKaranya Project.
7. *Ministry of Petroleum and Chemicals (Dept. of Chemicals):*
Nangal Unit of the Fertilizer Factory.
8. *Ministry of Industrial Development and Company Affairs:*
(1) Instrumentation Ltd., Kota, Rajasthan.
(2) Small Scale Service Institute, Madras.
9. *Ministry of Steel, Mines and Metals:*
Various steel plants of the Hindustan Steel Ltd. and for the townships of the said Steel Plants.
10. *Ministry of Irrigation and Power:*
Electrical installations belonging to or under the control of the Ministry of Irrigation and Power.
11. *Department of Communications:*
Overseas Communications Service.
12. *Department of Atomic Energy:*
Various Projects belonging to or under the control of the Department of Atomic Energy.

[No. EL.II.4(2)5/67.]

D. K. BASU,
Dy. Director (Tech.)

MINISTRY OF WORKS, HOUSING AND URBAN DEVELOPMENT

(Directorate of Estates)

POLICY CELL

New Delhi, the 15th April 1967

S.O. 1400.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President is pleased to make the following further amendment to the Supplementary Rules issued with the Government of India, Finance Department, letter No. 104-CSR, dated the 4th February, 1922, namely:—

In Part VIII of the said rules, in Division XXVI-B, in S.R.-317-B-11, after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(5) Notwithstanding anything contained in sub-rule (2) or sub-rule (3) or sub-rule (4), when an officer is dismissed or removed from service

or when his services have been terminated and the Head of the Department in respect of the office in which such officer was employed immediately before such dismissal, removal or termination is satisfied that it is necessary or expedient in the public interest so to do, he may require the Director of Estates to cancel the allotment of the residence made to such officer either forthwith or with effect from such date prior to the expiry of the period of one month referred to in item (i) of the Table below sub-rule (2) as he may specify and the Director of Estates shall act accordingly."

[No. F. 12033(1)/67-Pol.]

K. C. JOSHI, Dy. Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 4th April 1967

S.O. 1401.—In exercise of the powers conferred by clause (K) of sub-section (1) of section 57, read with sub-section (1) of section 40 of the Delhi Development Act, 1957 (61 of 1957) the Delhi Development Authority, with the previous approval of the Central Government, hereby makes the following regulations, namely:—

1. **Short title.**—These regulations may be called the Delhi Development Authority (Time and Manner of Payment of Betterment Charge) Regulations, 1967.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) "Act" means the Delhi Development Act, 1957 (61 of 1957);

(b) "Authority" means the Delhi Development Authority constituted under section 3 of the Act;

(c) "betterment charge" means the betterment charge determined under section 38 or 39 of the Act.

3. **Payment of betterment charge in lump sum.**—Where the betterment charge has been determined, the Authority shall, by a notice in writing to be served on the person liable to pay such charge, fix a date by which such payment shall be made:

Provided that the Authority may, on receipt of an application made in this behalf within a period of thirty days of the receipt of notice extend the time for payment of the betterment charge by such period as the Authority may deem sufficient, in which case interest at the rate of six per cent per annum shall be payable on the outstanding amount of betterment charge from the date initially fixed for payment.

4. **Application for fixation of instalments.**—Any person liable to pay betterment charge may, on receipt of a notice under regulation 3, instead of making payment thereof in lump sum or making an application for extension of time under the proviso to the aforesaid regulation, make an application to the Authority within a period of thirty days of the receipt of the notice for accepting the betterment charge in instalments in accordance with the provisions of regulation 5.

5. **Fixation of instalments.**—On receipt of an application under regulation 4, the Authority may permit the applicant to pay the betterment charge in such number of equal quarterly instalments not exceeding six, as the Authority may fix. The first instalment shall be payable on the first day of January, April, July or October as the case may be, following the date of communication of the decision of the Authority in regard to the number of instalments. Along with each instalment, interest at the rate of six per cent per annum shall be payable on the outstanding amount of betterment charge from the date initially fixed under regulation 3.

[No. F. 1(34)/65-R&S.]

M. L. MONGIA, Secy.

New Delhi, the 13th April 1967

S.O. 1402.—Whereas the Delhi Development Authority has proposed to make the following modifications in the Master Plan for Delhi —

- (1) To the list of "already built up commercial areas", occurring on page 61 of the Master Plan, the following entry shall be added, namely:—
"20—Jhandewala Scheme—Block E"
- (2) On page 60 of the Master Plan, under item (b) of the heading "III Government offices" for the words and figures "F A R... 150", the following shall be substituted, namely—
(i) F A R for plots other than for those described in item (ii) hereunder 150.
(ii) F A R for plots fronting on and to the north of Indraprastha Marg and lying between the Abdul Nabi Mosque and A.G.C.R. Building, 300",

the proposed modifications having been published as notice No. S.O. 3072, dated the 15th October 1966 at page 2901, of the Gazette of India, Part II—Section 3—Sub-section (ii) as required by sub-section (3) of section 11A of the Delhi Development Act 1957 (61 of 1957) inviting objections and suggestions;

And whereas the Delhi Development Authority has considered the objections and suggestions in regard to the modification mentioned at (1) above, no objection/suggestion having been received to the modification at (2);

Now, therefore, the Delhi Development Authority, in exercise of the powers conferred by sub-section (1) of section 11A of the said Act hereby makes the above modifications in the said Master Plan for Delhi.

[No. F. 3(246)/66-M P]

B C SARKAR, Addl. Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour & Employment)

New Delhi, the 10th April 1967

S.O 1403.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur in the matter of an application under Section 33A of the said Act from Shri Paul Singh of Korba Colliery, Post Office Korba Collieries, National Development Corporation Limited, District Bilaspur (Madhya Pradesh) which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967

PARTIES:

Sri G C Agarwala—Presiding Officer

CASE NO CGIT/LC-2 of 1967

(Under Sec. 33-A of the Act)

[Arising out of Case Reference No. CIT.LC(2) of 1966]

PARTIES:

Shri Paul Singh, Senior Overman, Korba Colliery, P.O. Korba Collieries, N.C.D.C. Ltd., District Bilaspur (M.P.)—Complainant.

Vs.

- (1) Deputy Superintendent of Collieries, N.C.D.C. Ltd. }
Korba Colliery,
- (2) Area General Manager N.C.D.C. Ltd., Korba }
Managing Director, N.C.D.C. Ltd., Ranchi } —Opp. Parties.
- (3) Managing Director, N.C.D.C. Ltd., Ranchi

APPEARANCES:

For Complainant—Sri Paul Singh, Complainant.

For Opp. Parties—None.

INDUSTRY: Coal Mine.

DISTRICT Bilaspur (M.P.).

AWARD

Sri Paul Singh, Senior Overman, at Korba Colliery belonging to N.C.D.C. Ltd. moved an application under Sec. 33-A of the Industrial Disputes Act complaining that he had been a Senior Overman but his designation has been changed into Overman dropping the prefix "Senior". It was contended that this was contravention of Sec. 33 of the said Act because of the pendency of Reference No. CIT.LC. 2 of 1966 before this Tribunal.

He was required to show cause how the application was in order having been filed against three officers of the Corporation and not against the employers themselves. He consented to file a fresh application in proper form and did not get the present application suitably amended. The application was, therefore, ordered to be filed without determinating the merits of the complaint. Since, however, the order amounts to an award it is being submitted to the appropriate Government under the provisions of Sec. 33-A of the I.D. Act.

(Sd.) G. C. AGARWALA,
Presiding Officer.

[No. 5/50/66-LRII.]

S O. 1404.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta, in the industrial dispute between the employers in relation to the Babisole Colliery, Post Office Andal, District Burdwan, and their workmen, which was received by the Central Government on the 8th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA
REFERENCE NO. 17 OF 1966

PARTIES.

Employers in relation to the Babisole Colliery

AND

Their workmen.

PRESENT:

Shri S K Sen—*Presiding Officer.*

APPEARANCES:

On behalf of Employers—Absent.

On behalf of Workmen—Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/23/65-LRII, dated 6th April, 1965, the Central Government referred for adjudication an industrial dispute concerning the retrenchment of one Shri Maruti Prasad Singh by the employers in relation to Babisole Colliery with effect from the 14th September, 1964. Maruti Prasad Singh, according to the Union, was a Store-Keeper in the mechanical section but according to the management he was a helper in the mechanical section and he was retrenched because owing to the non-availability of spare parts of certain foreign machines the work in the mechanical section had to be cut down considerably.

2. After the dispute was referred to the adjudication both parties filed their written statements and date of hearing was fixed. On the date of hearing, 3rd April, 1967, the Vice-President of the union, Colliery Mazdoor Sabha, filed a petition stating that the union does not intend to pursue the case and that the

matter may be disposed of as if there is no dispute. This reference case is dispute concerning the workman, Shri Maruti Prasad Singh.

matter may be disposed of as if there is no dispute. This reference case is dispute concerning the workmen, Shri Maruti Prasad Singh.

The 4th April, 1967.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 6/23/65-LRII.]

S.O. 1405.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur, in the industrial dispute between the employers in relation to the Birsinghpur Colliery of Messrs Johilla Coalfields (Private) Limited, Post Office Birsinghpur Pali, District Shahdole (Madhya Pradesh) and their workmen, which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967

PRESENT:

Sri G. C. Agarwala—*Presiding Officer.*

REFERENCE No. CGIT-9 of 1965 (BOMBAY)

REFERENCE No. CIT/LC-3 of 1966 (JABALPUR)

In the matter of an industrial dispute between the Birsinghpur Colliery of Messrs Johilla Coalfields (Private) Limited, P.O. Birsinghpur Pali, District Shahdole (Madhya Pradesh) and their workmen.

APPEARANCES:

For the employers—S/Sri J. K. Chowdhry, Law Secretary, Central India Coalfields Mining Association and K. C. Jain, General Manager of the concern.

For the workmen—Shri G. C. Jaiswal, General Secretary, Johilla Colliery Mazdoor Sangh.

INDUSTRY: Coal Mine.

DISTRICT: Shahdole (M.P.).

AWARD

The following two matters of dispute as stated in the Schedule to the order of reference were referred to Central Government Industrial Tribunal, Bombay by Notification No. 5/17/64/LRII, dated 1st February, 1965. The proceedings remained pending before the said Tribunal from 11th February, 1965 to 24th September, 1966 when they were transferred to this Tribunal by Notification No. 8/141/66-LRII, dated 17th September, 1966:

SCHEDULE

- Whether the retrenchment of Shri Satyanarayan Shivhara, with effect from the 25th April, 1964 by the management of Birsinghpur Colliery is justified and if not to what relief is he entitled?
- Whether Shri Satyanarayan Shivhara is entitled to any overtime allowance during the period from 1st December, 1960 to the 31st March, 1963, if so what amount is payable to him on this account?

The statement of claims were filed by both the parties before the Bombay Tribunal. Rejoinders were, however, filed in this Tribunal on 27th October, 1966. Certain additional issues were framed on 30th January, 1967 and another issue was added on 2nd March, 1967. After a few dates of hearing the case was listed on 16th March, 1967 for the management to file certain statement on affidavit. The parties, however, compromised both the matters of dispute on this date and filed a compromise petition, terms of which are reproduced in the annexure.

The workman concerned, Shri Satyanarayan Shivhara, joined the colliery on 17th June, 1957 as a clerk. In March, 1963 he wanted to change over as a Mining Apprentice and therefore resigned his clerical job. After a short while he again

applied to be taken to his original post and was reappointed on 1st May, 1963. He claimed that between the period 1st December, 1960 to 31st March, 1963 he rendered overtime duty for which he was not paid and claimed a sum of Rs. 5890/- as overtime allowance. After his re-employment from May, 1963 it appears that the management found him surplus and retrenched him. It was contended on behalf of the workmen that the retrenchment was unjustified and *malafide*. The management disputed both these points. The terms of compromise, however, would show that both the disputes have been satisfactorily resolved. The claim for overtime allowance has been given up. Sir Satyanarayan Shivhare has been permitted to resume his duty on a basic salary of Rs. 65/- P.M. with effect from 1st April, 1967. The period from 25th April, 1964 to 31st March, 1967 is to be treated as authorised absence. The disputes, therefore, are satisfactorily resolved and being fair and reasonable the compromise has been accepted. An award is, therefore, recorded in terms of the compromise settlement.

(Sd.) G. C. AGARWALA,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT-9 of 1965 (BOMBAY)
In the matter of reference No. CIT/LC-3 of 1966 (Jabalpur).

BETWEEN

M/s. Johilla Coalfields (P) Ltd., Birsinghpur Colliery, P.O. Birsinghpur Pali, Distt. Shahdole (M.P.).

AND

Their workmen as represented by Johilla Colliery Mazdoor Sangh. P.O. Birsinghpur Pali, Distt. Shahdole, (M.P.).

Prayer for passing an award

May it please the Hon'ble Tribunal,

The management and the Union have agreed to settle the dispute mutually on the terms mentioned below:

- (1) That the management agrees to allow Shri Satya Narain Shivhare to resume his duty from 1st April, 1967.
- (2) That Shri Satya Narain Shivhare will be paid a basic salary of Rs. 65/- per month.
- (3) That the period from 25th April, 1964 to 31st March, 1967 will be treated as authorised absence.
- (4) This settles both the issues under reference.

Both the parties pray the Hon'ble Tribunal to pass an award accordingly
Representing Workmen:

(Sd.) G. C. JAISWAL,
General Secretary,
Johilla Colliery Mazdoor Sangh,
Birsinghpur-Pali,
Distt. Shahdole (M.P.)
Birsinghpur-Pali,
dated 15-3-67.

Representing Management:
(Sd.) K. C. JAIN.
General Manager,
Johilla Coalfields (P) Ltd.,
Birsinghpur-Pali,
Distt. Shahdole (M.P.).

Witness

(Sd.) HARBANS SINGH
Verified
(Sd.) G. C. AGARWALA
16-3-1967

(Sd.) G. C. JAISWAL

(Sd.) HARBANS SINGH

PART OF AWARD

(Sd.) G. C. AGARWALA,
Presiding Officer.

[No. 5/17/64-LRII.]

S.O. 1406.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur in the matter of application under Section 33A of the said Act from Shri Paul Singh of Korba Colliery, Post Office Korba Collieries, National Coal Development Corporation Limited, District Bilaspur, which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967

PRESENT:

Sri G. C. Agarwala—*Presiding Officer.*

CASE No. CGIT/LC-1 of 1967

(Under Sec. 33-A of the Act)

(Arising out of case Reference No. CIT/LC-2 of 1966)

PARTIES:

Shri Paul Singh, Senior Overman, Korba Colliery, P.O. Korba Collieries, N.C.D.C. Ltd., Distt. Bilaspur (M.P.)—*Complainant.*

Versus

Sri J. Modi, Assistant Colliery Manager, Korba Colliery, P.O. Korba Collieries, N.C.D.C. Ltd., Distt. Bilaspur (M.P.)—*Opp. Party:*

APPEARANCES:

For Complainant—Sri Paul Singh, Complainant.

For Opp. Party—None.

INDUSTRY: Coal Mine.

DISTRICT: Bilaspur (M.P.)

AWARD

Sri Paul Singh, a Senior Overman in Korba Colliery belonging to N.C.D.C. filed an application under Sec. 33-A of the I. D. Act, 1947 complaining that the Opposite Party who has been arrayed as Sri J. Modi, Assistant Colliery Manager, Korba Colliery, has contravened the provisions of Sec. 33 of the said Act during the pendency of a case Reference No. CIT/IC No. 2 of 1966 before this Tribunal. He contended that he was being required to sign Sirdars Daily Report Book inspite of the fact that he is a Senior Overman and had been signing Overmans Report. This was a change in the conditions of his service and therefore a violation of Sec. 33 of the Act. He was required to show cause how the application against an officer of the employers was in order and maintainable. He appeared and stated that he does not press the application. The application was, therefore, ordered to be filed without the necessity of adjudication on the merits of his complaint. As required by Sec. 33-A of the Act, the order which amounts to an award is being submitted to the appropriate Government.

(Sd.) G. C. AGARWALA,
Presiding Officer.

[No. 3/1/66-LRIL.]

New Delhi, the 14th April 1967

S.O. 1407.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following corrections made by the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in pursuance of rule 28 of the Industrial Disputes (Central) Rules, 1957, in its award issued in the industrial dispute between the employers in relation to the Jhingurda Colliery of the National Coal Development Corporation, Limited, and their workmen and published in the Gazette of India, Part II, Section 3, sub-section (ii), at pages 506-513 with the notification of the Government of India in the Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment) No. S.O. 653 dated the 25th February, 1967, namely:—

at page 512, in lines 40-41, Insert the word "not" in between the words "..... . . . were not justified in" and "providing free transport."

(Sd.) G. C. AGRAWALA,
Presiding Officer.

Industrial Tribunal-cum Labour Court (Central), Jabalpur.

[No. F. 5/25/65-LRIL.]

S.O. 1408.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No 2, Calcutta, in the industrial dispute between the employers in relation to the South Samla Colliery Post Office Pandaveswar, District Burdwan and their workmen, which was received by the Central Government on the 10th April, 1967

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2, CALCUTTA

REFERENCE NO. 102 OF 1966

PARTIES

Employers in relation to the South Samla Colliery,

AND

Their workmen

PRESFNT

Shri S K Sen—*Presiding Officer*

APPEARANCES

On behalf of Employers—Shri Tushar Kanti Bhattacharyya

On behalf of Workmen—Shri Kalyan Roy, Vice-President, Colhery Mazdoor Sabha

STATE West Bengal

INDUSTRY Coal Mines

AWARD

By Order No 6/59/65-LRII, dated 28th April, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the South Samla Colliery, P O Pandaveswar, Dist Burdwan and their workmen in respect of the subject matter mentioned in the following schedule

'Whether the action of the management of South Samla Colliery, Post Office Pandaveswar in suspending Sarvashri Gurucharan Harijan, Rajnath Chowhan, Sripal Rajbhar, Motichand Rajbhar and Rambali Chowhan, for ten days with effect from the 15th September, 1964 was an act of victimisation? If so, to what relief are these workmen entitled?"'

As the schedule shows, the dispute concerned the suspension of 5 workmen for 10 days. According to the case of the management the 5 workmen who were trammers man-handled the attendance clerk and assaulted workmen Topeswar Mahato and Lakshmi Mahato on 11-9-64 at 8-30 P M and they were chargesheeted and an enquiry was conducted by the Welfare Officer. They were found guilty and were warned and suspended for 10 days. According to the case of the union however, the workmen were suspended after they had submitted their replies to the chargesheet without having been called to appear before any Enquiry Officer. The case was fixed for hearing on 29th May, 1967 but on 4th April 1967 the parties appeared before the tribunal and reported that the dispute had been settled amicably. They filed a joint petition stating that it has been agreed that the 5 workmen mentioned in the Reference Order will be paid full wages for the 10 days of suspension and that the payment would be made on or before 30th March 1967. The terms appear to be favourable particularly for the workmen and the agreement is, therefore, accepted. An award is made in terms of the agreement and the joint petition of agreement shall form part of the award.

S K SEN,
Presiding Officer.
5-4-1967.

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2 CALCUTTA

In the matter of Reference No 102 of 1966

BETWEEN

Employers in relation to the South Samla Colliery

AND

Their workmen

The parties to the above dispute—the management of the South Samla Colliery and the Colliery Mazdoor Sabha discussed the above dispute

regarding suspension of five workmen—Gurucharan Harijan, Rajnath Chowhan, Sripat Rajbhar, Motichand Rajbhar and Rambali Chowhan for ten days and came to the following agreement:—

1. That the workmen mentioned above will be paid ten days' full wages on or before 30th March, 1967.

For this the parties shall ever pray as in duty bound.

Parties

For Workmen

KALYAN ROY,

General Secretary,

Colliery Mazdoor Sabha, Asanso.

For Management.

D. J. SHETHIA,

For Kalyanji Mavji & Co.

[No. 6/59/65-LRII.]

ORDERS

New Delhi, the 13th April 1967

S.O. 1409.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dutta's Central Kajora Colliery, Post Office Kajo agram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the following workmen of Dutta's Central Kajora Colliery had actually resigned their jobs with effect from various dates in May—June, 1966?

1. Shri Kameshwar Pasman, U.G. Trammer.
2. Shri Baijnath Tewari, Machine Mazdoor.
3. Shri Janeswar Dusad, H/Khalasi.
4. Shri Muchu Ram Harijan, Loader.
5. Shri Rambachan Singh, Night Guard.

If not, to what relief are they entitled?

[No. 6/96/66-LRII.]

S.O. 1410.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ballarpur Collieries Company Limited, Nagpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Rambhau Adkuje Dhabeckar Relieving Fitter by the management of Bal'arpur Colliery with effect from the 2nd November, 1966, was justified? If not, to what relief is the workman entitled?

[No. 3/1/67-LRII.]

S.O. 1411.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery, Post Office Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the dismissal of Shri Lakha Saw, Stowing Fitter, by the management of the Bhowra Colliery with effect from the 17th October, 1966 was justified?
- (ii) If not, to what relief is the workman entitled?

[No. 2/31/67-LRII.]

S.O. 1412.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ramgarh Jharia Colliery, Post Office Karmatand, *via*, Mohuda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the stoppage from work of Shri Rajkishore Singh, Night Guard of Ramgarh Jharia Colliery, with effect from the 26th December, 1966 by the management was justified?
- (ii) If not, to what relief is the workman entitled?

[No. 2/39/67-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour & Employment)

New Delhi, the 11th April 1967

S.O. 1413.—In exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Additional Industrial Tribunal with headquarters at Dhanbad and appoints Sri Nandagiri Venkata Rao as the Presiding Officer of that Tribunal without prejudice to his appointment and continuance as Presiding Officer of the Labour Court, Dhanbad, under the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1239, dated the 18th April, 1966.

(2) This notification shall be deemed to have come into force on the 31st March, 1967.

[No. F. 1/28/67-L.R.I.]

S.O. 1414.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad in the Industrial dispute between the employers in relation to the Visakhapatnam Port Trust, Visakhapatnam and their workmen which was received by the Central Government on 31st March, 1967.

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL), ANDHRA PRADESH,
HYDERABAD.**

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal (C),
Andhra Pradesh, Hyderabad.

Industrial Dispute No. 53 of 1955.

BETWEEN

Workmen of Visakhapatnam Port Trust, Visakhapatnam.

AND

The Management, Visakhapatnam Port Trust, Visakhapatnam.

APPEARANCES

Neither party appeared in person.

AWARD

The Government of India in its Ministry of Labour & Employment had, by Order No. 28/60/65/LRIV dated 22nd June 1965, referred this dispute to my learned predecessor, Dr. Mir Siadat Ali Khan, for adjudication. The issues as per Schedule annexed to the Notification are these:—

- (1) Whether the demand to up-grade all the existing "B" and "B-1" category workers (Shore labour) to category "A" is justified? If not, what number should be up-graded as "A" category workers.
- (2) Whether the demand for grant of weekly day of rest with wages for all the workers is justified?
- (3) Having regard to the work-load, whether the demand for increase in the Gang strength of the shore khalasis and proportionate increase in the piece-rate is justified?

2. The General Secretary, Port Khalasis Union, Visakhapatnam, and the General Secretary, Dock Workers Union, Visakapatnam, are party to the reference. Neither Union had filed statement of claims. In consequence there is no counter from the Management. The reference was received in the month of June 1965. Even before the parties filed their respective pleadings, the Management on the one side and the concerned employees on the other had entered into a Settlement and a Memorandum of Settlement dated 25th June 1965 was sent to my learned predecessor by registered post in respect of issues 2 and 3. Based thereon, my learned predecessor passed a Part Award on 13th August 1965. There remained issue 1, and to that extent the dispute has been pending. I succeeded Dr. Mir Siadat Ali Khan as Presiding Officer, Industrial Tribunal, Andhra Pradesh. That was on 19th November 1965. By proceedings No. 7/33/65-LRII dated 31st January 1966 the Government of India transferred this dispute, along with other disputes referred to him by the said Government, from Dr. Mir Siadat Ali Khan to me. That is how I have jurisdiction to finally dispose of this dispute.

3. As I said, issue 1 remains to be decided. The parties did not file pleadings in respect of issue 1, either. I received by registered post a Memorandum of Settlement dated 29th December 1966. It is signed by Mr. C. R. Reddy, Chairman, Visakhapatnam Port Trust, representing the Management. Two representatives of the workmen have signed it. They are Mr. B. G. M. A. Narsing Rao, President, Dock Workers Union, Visakhapatnam, and Mr. P. Manavalayya Naidu, President, Port Khalasis Union, Visakhapatnam. Notices were directed by me to both the Unions to send authorisations to say that their Presidents were authorised to enter into a settlement. There was no response. Next I sent a final notice dated 28th February 1967 to the President of each Union. The President of the Port Khalasis Union sent a telegram on 14th March 1967 to say that the authorisation letter was on its way. It has since been received on 17th March and it is signed by Mr. P. Manavalayya Naidu, President, Port Khalasis Union. Although I have waited for it till now, any authorisation has not been received so far from the Dock Workers Union. I do not think it is necessary to wait for it any more seeing that the authorisation from the Port Khalasis Union has been received. This particular settlement in respect of issue 1 is, as I said, signed by the President of each of the two Unions. And, moreover, the same two gentlemen were party to the earlier settlement in respect of issues 2 and 3 based on which my learned predecessor had passed award on 13th August 1965. I will proceed to pass award on the basis of the Memorandum of Settlement dated 29th December 1966 in respect of issue 1, that being the only issue remaining in the dispute. With that, a finality would be reached in the dispute.

4. It is provided in the Memorandum of Settlement dated 29th December 1966 that with effect from 1st January 1967 twenty four maistries and 452 workers in Category B would be upgraded to grade A and that 15 maistries and 82 workers in category B-1 would be upgraded to Grade A-1. I am satisfied that it is a fair settlement between the parties.

5. Award is herewith passed in terms of the Memorandum of Settlement dated 29th December 1966, a copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 23rd March 1967.

M. NAJMUDDIN, Industrial Tribunal.

APPENDIX

VISAKHAPATNAM PORT TRUST

Memorandum of agreement arrived at between the Visakhapatnam Port Trust and their workmen as represented by the Port Khalasis Union and the Dock Workers Union in the matter of item No. 1 of the Schedule of the Industrial Dispute No. 53 of 1965 before the Industrial Tribunal (Central) Hyderabad, in the Office of the Chairman, Visakhapatnam Port Trust, on 29th December 1966.

PARTIES PRESENT:

Representing Management.

Shri C. R. Reddy, Chairman, Visakhapatnam Port Trust.

Representing Workmen:

1. Shri P. Manavalayya Naidu, President, Port Khalasis Union, Visakhapatnam.
2. Shri B. G. M. A. Narasinga Rao, President, Dock Workers Union, Visakhapatnam.

Short Recital of the Case

The Import Shore Workers struck work with effect from 2nd shift of 14th June 1965. The Presidents of Port Khalasis Union and Dock Workers Union jointly submitted a charter of demands containing six, under their letter dated 15th June 1965. Conciliation Proceedings were held on 16th and 17th June, 1965 and a failure of conciliation report was submitted under Conciliation Officer's letter No. COV. 13(61)/65, dated 19th June 1965. The Government of India (Ministry of Labour & Employment) referred the dispute to the Tribunal for adjudication and prohibited the continuance of the strike vide Order No. 28/60/65/LRIV dated 22nd June 1965 from the Under Secretary to the Government of India, Ministry of Labour & Employment, New Delhi.

As a result of further discussions held by the Regional Labour Commissioner (Central), Hyderabad and the conciliation Officer (Central), Visakhapatnam, on 24th and 25th June 1965, a settlement was reached on items Nos. 2 and 3 of Schedule to the order of reference for the adjudication. A Part Award was granted on 13th August 1966 for these two issues by the Hon'ble Industrial Tribunal, Andhra Pradesh, Hyderabad—vide notification No. 25/60/65/LRIV dated 31st August 1965 from the Under Secretary to the Government of India, Ministry of Labour & Employment.

After further discussions between the parties concerned over Item No. 1 of the Schedule, a settlement was reached as follows:—

I.	I agree to upgrade :	
	"B" Category Maistries	24
	Workers	452
	"B-1" Category Maistries	15
	Workers	82

into 'A' and 'A-1' Categories respectively with effect from 1-1-67.

Both the parties agree to file this Memorandum of Settlement before the Hon'ble Tribunal with the request to record this as a Settlement in respect of Item No. 1 also of the Schedule and for passing the Award accordingly.

Representing Management:

Sd./- C. R. REDDY,
Chairman,
Visakhapatnam Port Trust.

Representing Workmen:

Sd./- B.G.M.A. NARSINGA RAO,
President, Dock Workers Union,
Visakhapatnam.

Sd./- P. MANAVALAYYA NAIDU,
President, Port Khalasis Union,
Visakhapatnam.

Witnesses :-

1. Sd./- XX
2. Sd /- T. S. NARASIMHAM.

New Delhi, the 14th April 1967

S.O. 1415.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Nandini Kundini Quarry of Bhilai Steel Project, Post Office Ahiwara, District Durg and their workmen which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

PRESENT:

Sri G. C. Agarwala—*Presiding Officer.*

REFERENCE NO. CGIT-35 OF 1965 (BOMBAY)

REFERENCE NO. CTT/LC-31 OF 1966 (JABALPUR)

In the matter of an industrial dispute between the Nandini Kundini Quarry of Bhilai Steel Project, Post Office Ahiwara, District Durg and their workmen.

APPEARANCES:

For the employers:—S/Shri B.N. Trehan, Senior Personnel Officer, N.P. Dhusia, Chief Industrial Relations and I. J. Kale, Senior Labour Officer & Sri N. P. Sirpurkar, Law Officer.

For the workmen—Sri H. C. Gupta, Secretary, Steel Workers Union.

INDUSTRY: Stone Quarry.

DISTRICT: Durg (M.P.)

AWARD

The following matter of dispute as stated in the Schedule to the order of reference was referred to Central Government Industrial Tribunal, Bombay, by an order No. 22/42/64-LR-I dated April 29, 1965 by Government of India, Ministry of Labour and Employment:—

SCHEDULE

“Whether the management of Bhilai Steel Project is justified in denying the benefit of mines allowance to its workmen employed at Nandini Kundini quarry and if not, to what relief are the workmen entitled?”

The proceedings remained pending before the Bombay Tribunal from 7th May, 1965 to 19th October, 1966 whereafter it was transferred to this Tribunal by Order No. 26/11/66 dated 26th September, 1966.

The parties had filed their pleadings before the Bombay Tribunal. Before this Tribunal the case came up for hearing for the first time on 18th November, 1966 for preliminary hearing when it was adjourned to 5th December, 1966 on the request of the employers. The employers did not turn up on this date and therefore *ex parte* proceedings were conducted but subsequently on an application and affidavit of the employers the order was set aside and the case was taken up for hearing on different dates. It is needless to state the proceedings held on different dates as the parties have now compromised the dispute and have filed a compromise petition, terms of which are reproduced in the annexure. The compromise has been duly verified before me.

The matter of dispute is a simple one. The workmen employed in the Stone Quarry of Nandini Kundini had been demanding mines allowance which had been sanctioned to workers of other mines namely, Rajhara, Nandini and Hirri under the Bhilai Steel Project by an order of the General Manager No. 85 dated 28th July, 1959 and modified and extended by a further order No. 103 dated 16th October, 1961. The stand taken by the management for denying this allowance was that the quarry was a temporary one and the material extracted was not utilised for production of the mineral but was used particularly for construction purposes. The workers on the other hand contended that like other mines to which the benefits had been extended they were also entitled to this allowance.

As the terms of compromise would show, the management has now agreed to pay the mining allowance to the workers of this Nandini Kundini Stone Quarry with effect from 1st August, 1960 in terms of the General Manager's Order No. 103 dated 16th October 1961. The demand having been conceded by the management there is no dispute left on the point. The reference is, therefore, answered in the

negative. The workmen are entitled to the allowance as agreed to in the compromise settlement.

Sd/- G. C. AGARWALA,
Presiding Officer.
30-3-1967.

BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (JABALPUR)

REFERENCE No. CIT(31) of 1966

Employers in relation to the Nandini Kundini Quarry of Bhilai Steel Project and their workmen.

The management of Hindustan Steel Limited, Bhilai Steel Plant is being represented by their Law Officer Shri N. B. Sirpurkar and Shri N. J. Kale, Senior Labour Officer. Steel Workers' Union, Nandini Mines Branch is being represented through its Secretary Shri H. C. Gupta.

Both representatives of the Management and the Union have agreed to the following terms and conditions:—

(a) Parties agree that the Management has agreed to make payment of mining allowance to those of its direct employees who were working at the Nandini Kundini Stone Quarry.

(b) That the mining allowance shall be paid from the date on which it was introduced in the Bhilai Steel Plant, i.e. from 1st August, 1960 in terms of GM's order No. 103 dated 16th October, 1961.

That the parties agree on the above terms and conditions and further request the Hon'ble Tribunal to pass an Award in accordance with the terms and conditions as mentioned above.

Signed this day the 11th March, 1967 by the representatives of the Management and the Union.

Representing Management:

Sd/- N. B. SIRPURKAR,

Law Officer.

11-3-67.

Sd/- N. J. KALE,

Senior Labour Officer(M).

11-3-67.

Representing the workers:

Sd/- H. C. GUPTA,

Secretary.

Steel Workers Union,

Nandini Mines.

11-3-67.

Verified.

Sd/- G. C. AGARWALA,

15-3-67.

Sd/- H. C. GUPTA,

15-3-67.

PART OF AWARD

Sd/- G. C. AGARWALA,

Presiding Officer

Industrial Tribunal-cum-Labour Court (Central), Jabalpur.

[No. F. 22/42/64-LRI.]

S.O. 1416.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Nandini Lime Stone Mines of Bhilai Steel Project, Post Office, Bhilai, District Durg and their workmen which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967.

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

Reference No. CGIT-32 of 1965 (BOMBAY)

Reference No. CIT/LC-32 of 1966 (JABALPUR).

In the matter of an industrial dispute between The Nandini Lime Stone Mines of Bhilai Steel Project, P.O. Bhilai, District Durg (M.P.) and their workmen.

APPEARANCES:

For the employers:—S/Sri L. J. Kale, Sr. Labour Officer (Mines), G. P. Dube, Asstt. Law Officer (Mines) of the employers.

For the workmen:—Sri H. C. Gupta, Secretary, Steel Workers Union.

INDUSTRY: Lime Stone Mine.

DISTRICT: Durg (M.P.).

AWARD

The Government of India, Ministry of Labour and Employment, by an order No. 22/37/64-LRI, dated 20th April 1965 referred the following matter of dispute under Section 10 Sub-section (1) clause (d) to the Central Government Industrial Tribunal, Bombay:—

MATTER OF DISPUTE

"Whether the management of Bhilai Steel Project was justified in employing Shri S. P. Tiwari, Magazine Incharge of Nandini Lime Stone Mines as Quarry Supervisor and thereby depriving him of the benefit of production bonus as per Merchant's Award. If not, to what relief is he entitled?"

The proceedings remained pending before the said Tribunal till it was transferred to this Tribunal by Order No. 26/11/66, dated 26th September, 1966.

The written statement of claims had been filed before the Bombay Tribunal. The rejoinders were, however, filed in this Tribunal. After preliminary hearing, it transpired on 17th January, 1967 that the terms of reference as worded do not correctly depict the real dispute in controversy between the parties. The employers, therefore, took time on two dates to have language of the reference suitably amended. They have now stated that they could not do so. We have therefore to proceed on the terms of reference as worded in the schedule and reproduced above.

By an award of Sri Salim Merchant, Presiding Officer, Central Government Industrial Tribunal, Bombay in Ref. No. CGIT-27 of 1962 dated 1st June, 1963, it was held that the management was not justified in restricting payment of Production Bonus to certain selected categories of workmen only and that Production Bonus should be paid to all the workers on the mechanised zone whether work charged or on the N.M.R. in the three mines of Rajhara, Hirri and Nandini and who are working on the production side. The workman concerned, Sri S. P. Tiwari, was borne on the roll of manual mine of Nandini Mine-Stone Quarry as a Magazine Incharge although he had been deployed on different jobs but not as a Magazine Incharge. He claimed that by reason of his designation he was also working in the production side and was, therefore, entitled to Production Bonus. The management resisted this contention of the workmen on two grounds—(1) firstly that the Merchant's Award does not apply to manual mines and secondly, that although he was designated as Magazine Incharge yet he had not been employed to discharge the duties of Magazine Incharge. Eligibility according to the Award depended on the work actually rendered and not on the designation. This was actually the controversy between the parties in conciliation as would appear from the failure report of the Conciliation Officer appended with the order of reference. The pleadings filed before this Tribunal also indicate that the Union claimed Production Bonus on the ground of the designation of Sri S. P. Tiwari as Magazine Incharge and the management resisted this claim on the ground that the award does not apply to manual mine and further that mere designation would not entitle him to claim Production Bonus and since he had not been working at any time as Magazine Incharge there is no claim for bonus. The language of the issue under reference, however, does not correctly reproduce the controversy between the parties. Firstly, because the claim for bonus for the past period is not covered by the terms of reference. Secondly, because it is implied in the terms of reference as worded that Sri Tiwari had not only been designated but working as Magazine Incharge which is assumed by language of the reference and also that he has been transferred as a Quarry Supervisor so as to deprive him of the benefit. Actually Sri Tiwari has merely held the designation of Magazine Incharge but admittedly had never worked as such. Further he has not been transferred to work as Quarry Supervisor but by the order dated 25th June, 1962 he was first required to work as a Reliever of Sampling Supervisor (*vide* Ex. E. 8 and E. 9) and later on by another

Order dated 20/24th December, 1962 (Ex. E.9/A) he was made an Assistant to the Quarry Supervisor. Thus he was only an Asstt. to the Quarry Supervisor. The complexion of reference therefore is entirely different than contemplated by the parties and as it can not be altered or enlarged by this Tribunal the enquiry will have to be restricted as envisaged by the wordings of the schedule under reference.

From the papers (service record) of Sri S. P. Tiwari which the management were required to file, it appears that he was originally appointed as a Mate in the grade of Rs. 40-2-60 on 1st November, 1960. He was promoted to the post of Magazine Incharge with effect from 1st August, 1961 by an order dated 8th January, 1962 in the grade of Rs. 60-3-90. It may be mentioned that by the same order Purushottam Pandey from whose case a parallel is attempted to be drawn on behalf of the workmen by comparison was also appointed as Magazine Incharge (vide Ex. E. 7). Although Sri Tiwari held designation of Magazine Incharge he never worked as such and he applied for Production Bonus on 2nd December, 1963 (Ex. E. 10) but this request was turned down by an order of the management dated 25th December, 1963 (Ex. E. 11) on the ground that he had been a Manual Quarry Assistant to the Supervisor and the designation has no bearing on eligibility. His grievance is that Sri Purushottam Pandey who was similarly appointed had been paid Production Bonus. The management has given reasons in their rejoinder why this was done in the case of Sri Purushottam Pandey. Since the claim for bonus is not a matter in dispute before me it is needless to compare the claim of Tiwari with Sri Purushottam Pandey. The main ground urged before me, however, is that he is being deprived from the work of Magazine Incharge and has been transferred to another job in order to favour one Sri A. K. Chetty who was originally a Quarry Supervisor. The management was required to produce the relevant records for Sri Chetty also. It appears that Sri Chetty was appointed on 1st June, 1960 as Explosive Supervisor on basic pay of Rs. 90/- (Ex. E. 35 to E. 38). By an order dated 11th July, 1960 he was made incharge of two magazines, 25 tons and 10 tons each and was authorised to draw explosives (vide Ex. E. 39 and E. 40). By an order dated 8th January, 1962 (Ex. E. 41) he along with others was promoted to the post of Quarry Supervisor retrospectively with effect from 1st August, 1961 in the pay scale of Rs. 100-8-300. He applied for the post of Magazine Incharge on 14th December, 1964 as would appear from Ex. E. 42. Till then he appears to have had the designation as Quarry Supervisor-cum-Magazine Incharge. From the report of the Mines Manager (Ex. E. 44) dated 5th February, 1965 it appeared that since the date of his joining the Mines he had been looking after both the magazines and was connected with the blasting operations of mechanised zone. On the basis of this, it appears that he had been made Magazine Incharge for both the mechanised and the manual mines. Sri Purushottam Pandey, it further appears had been assisting him not only for the manual mines but also for the mechanised mines and having the designation of Magazine Incharge. It is precisely for this reason that the management gave Production Bonus to these two. The insinuation of the Union that Sri Chetty had been super in post and had been given the work of Magazine Incharge depriving the claims of Sri Tiwari is thus clearly ill founded. Sri Chetty had held a supervisory post connected with the magazines and explosives from the very beginning. That transferring of Sri Tiwari from the relieving post of Sampling Supervisor to work as an Assistant with Quarry Supervisor by the Mines Manager by means of his order dated 20/24th December, 1962 has no relevancy with the case of Sri Chetty. He has been working on different jobs although designated as Magazine Incharge. The only unsatisfactory part of the matter is that the management allowed his designation to remain as Magazine Incharge although he had been assigned different jobs at different times. It could not be said that at the time of his transfer he was actually rendering the work of Magazine Incharge nor was he transferred to work as a Quarry Supervisor. It is, therefore, held that Sri S. P. Tiwari though designated as a Magazine Incharge was never working as Magazine Incharge and had not been transferred as Quarry Supervisor but was transferred to work as an Assistant to the Quarry Supervisor from the post of Sampling Supervisor by means of an order dated 20/24th December, 1962 (Ex. E. 9/A). The management was justified in so doing. The reference is answered accordingly. No order is made for costs.

Sd/- G. C. AGARWALA,
Presiding Officer.
(Sd.) Illegible,

True Copy.

Personal Assistant,
Industrial Tribunal-Cum-Labour Court,
(Central) Jabalpur.

[No. 22/37/64-LRI.]

S.O. 1417.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between Messrs V. V. Pakir Mohammed Rowther & Company, Madras and their workmen which was received by the Central Government on 11th April, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

Monday, the 27th day of March, 1967.

PRESENT.

Sri B. S. Somasundaram, B.A., B.L.—Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 73 OF 1966.

(Between the workmen and the management of Messrs. V. V. Pakir Mohamed Rowther and Company, 29-A, Muthu Mudali Street, Vyasarpady, Madras-12.)
BETWEEN

The General Secretary.

Madras Port and Dock Workers Congress.

No. 11, Philips Street, Madras-1.

AND

The Partner,

Messrs. V. V. Pakir Mohamed Rowther & Co.

No. 29-A, Muthu Mudali Street, Vyasarpady.

Madras-12.

REFERENCE

Government of India order No 28(95)/66 L.R. IV dated 8th November, 1966
Department of Labour and Employment, Ministry of Labour, Employment and Rehabilitation, New Delhi.

This dispute coming on for final hearing on Thursday, the 2nd March, 1967 upon pursuing the claims and counter statements and other material papers on record and upon hearing the arguments of Sri S. M. Narayanan, General Secretary of the Union appearing for the Union and of Sri N. Krishna Mitra, Advocate, appearing for the Management and the dispute having stood over till this day for consideration, this Tribunal made the following award.

This dispute referred by the Government of India as per reference No. 28(95)/66-LRIV dated 8th November, 1966, Department of Labour & Employment, New Delhi, relates to the non-employment of 9 persons who were employed in Messrs. P. V. Pakir Mohamed Rowther & Co. a partnership firm, engaged in loading, unloading etc., work at the Madras harbour. This partnership firm came into existence on 1st May, 1964 with three partners, viz., V. V. Pakir Mohamed Rowther, V. V. Abdul Muthaleef and V. V. Syed Mohamed Rowther and it was registered on 25th June, 1964 before the Registrar of Firms under the Indian Partnership Act. On 4th April, 1966 the union complained to the Assistant Labour Commissioner (Central) at Madras, that this firm had not implemented the Wage Board recommendations. A copy of this complaint was also marked to this concern (Ex. W-1). The case of the union is that because of these activities the management on 13th April, 1966 denied employment to these 9 workers. This was taken to the notice of the Regional Labour Commissioner (Central) Madras on 18th April, 1966 as per Ex. W. 2. He by Ex. W. 3 a letter dated 3rd May, 1966 advised the company to provide employment for these persons. This was not done. This resulted in conciliation proceedings. The management had no objection for giving work to these persons provided they reported at their Head Office situate at Vyasarpadi which is about 5 KMS from the harbour, the place of work. The union wanted payment of transport charges. The conciliation failed and the matter has now come up before this tribunal as per the reference mentioned above.

2. The issue referred for adjudication is as below:—

Whether the management of Messrs. V. V. Pakir Mohamed Rowther & Company, Madras was justified in stopping from work from the 13th April, 1966 the workmen mentioned below on account of their refusal

to present themselves at Vyasarapadi every day for the purpose of marking their attendance?

1. Shri Jamal.
2. Shri Devarajan.
3. Shri Wahab.
4. Shri Jinulabuddin.
5. Shri Sahamshu.
6. Shri Sikandar.
7. Shri Ayub Khan.
8. Shri Bajoo.
9. Shri Gunasekaran.

3. On behalf of the management it is contended that the partnership firm stands dissolved as per Ex. M. 1 from 31st July, 1966, that as on today no firm as such is in existence for providing employment to these persons and that as such the reference is not sustainable. The denial of work was on 13th April, 1966. The report about the failure of conciliation (Ex. W. 6) is dated 9th June, 1966 and the alleged dissolution of the partnership takes place subsequent to these disputes, viz., on 31st July, 1966. It is contended that it is not *bona fide*. That apart, on 1st August, 1966 by Ex. M. 2, V. V. Pakir Mohamed Rowther informed the Chairman of the Madras Port Trust that he is doing the business individually. A firm of partnership has never been held to be a legal entity. A firm of partnership is but a convenient and compendious device by which two or more individuals join together, pool their resources or labour on a joint venture of business. When a firm is dissolved, no transfer of ownership as such is involved. All that flows from the process of dissolution is that what is owned in common is defined in severality and each member takes his share of the property subject to his share of the liability. That being the case, dissolution of partnership neither involves a transfer nor involves transfer of management of the undertaking and when the undertaking is continued, there could be no change in the employer within the meaning of S. 25-F and Sec. 25-FF of the Industrial Disputes Act. When a person was employed under the firm, after its dissolution when a particular person continues that business, the employee continues in the employment. In other words, there is no change in the employment or the employer. Admittedly in the present case the business is now being carried on by Sri V. V. Pakir Mohamed Rowther. Therefore, there is no substance in the contention now advanced on behalf of the management.

4. Next, it is contended that there is no relationship of an employer and employee so far as those 9 persons are concerned. It is averred in the counter that the firm had two contractors by name Abdul Ghani and Angamuthu, that these two persons supply the necessary labour for the work as and when necessary and that as such there was no direct relationship between the management and these 9 persons. The averment remains only as an averment and the management has not adduced any evidence to substantiate this portion of the case. Raju W.W.1 one of those workers has sworn to the effect that every day he and others go to harbour at 8A.M. and do the work even remaining late in the night under the control of the management. Ex. W-9 is the harbour pass got for W.W. 1 by the employer for getting into the harbour. Similar passes are given to the other workers also. There is no evidence contra. Ex. W-7, dated 18th April, 1966 is a letter by V. V. Pakir Mohammed Rowther and Co. to the Labour Officer, Madras. There is no whisper in this letter about this employment through contractors. On the other hand the positive statement is that these persons were employed by the management as coolies on daily wages. By Ex. M-7 (a) on 29th April, 1966 the management had requested the Post Security Officer to seize the photo passes given to these persons. Ex. M-3, dated 1st May, 1964 is an agreement between the two alleged contractors and the management evidencing a contract for the supply of labour. This document is unregistered and has been written on a stamp paper which is dated 8th January, 1963. It is suggested that the management has brought into existence such a document in their attempt to put forth a case of labour through contract system. Ex. M-4, dated 19th September, 1966 is a similar agreement, long subsequent to the disputes. Shri Ghani and Sri Angamuthu have not been examined as witnesses. Even Sri Pakir Mohammad Rowther had not gone in the witness box. Therefore, we have to brush aside those two documents. Ex. W-7 contains an admission that these persons were employed by the management. That clinches the matter. Therefore, I have no hesitation in coming to the conclusion that these 9 workers were workmen employed in the concern.

5. The next question for consideration will be one of non-employment, or stoppage from work. It is admitted by the management that they were not given

New Delhi, the 13th April 1967

S.O. 1402.—Whereas the Delhi Development Authority has proposed to make the following modifications in the Master Plan for Delhi:—

- (1) To the list of "already built up commercial areas", occurring on page 61 of the Master Plan, the following entry shall be added, namely:—
"20—Jhandewala Scheme—Block E"
- (2) On page 60 of the Master Plan, under item (b) of the heading "III Government offices" for the words and figures "F.A.R..... 150", the following shall be substituted, namely:—
 - (i) F.A.R. for plots other than for those described in item (ii) hereunder..... 150.
 - (ii) F.A.R. for plots fronting on and to the north of Indraprastha Marg and lying between the Abdul Nabi Mosque and A.G.C.R. Building. 300",

the proposed modifications having been published as notice No. S.O. 3072, dated the 15th October 1966 at page 2901, of the Gazette of India, Part II—Section 3—Sub-section (ii) as required by sub-section (3) of section 11A of the Delhi Development Act 1957 (61 of 1957) inviting objections and suggestions;

And whereas the Delhi Development Authority has considered the objections and suggestions in regard to the modification mentioned at (1) above, no objection/suggestion having been received to the modification at (2);

Now, therefore, the Delhi Development Authority, in exercise of the powers conferred by sub-section (1) of section 11A of the said Act hereby makes the above modifications in the said Master Plan for Delhi.

[No. F. 3(246)/66-M.P.]

B. C. SARKAR, Addl. Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour & Employment)

New Delhi, the 10th April 1967

S.O. 1403.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur in the matter of an application under Section 33A of the said Act from Shri Paul Singh of Korba Colliery, Post Office Korba Collieries, National Development Corporation Limited, District Bilaspur (Madhya Pradesh) which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967

PARTIES:

Sri G. C. Agarwala—*Presiding Officer.*

CASE NO. CGIT/LC-2 OF 1967
(Under Sec. 33-A of the Act)

[Arising out of Case Reference No. CIT.LC(2) of 1966]

PARTIES:

Shri Paul Singh, Senior Overman, Korba Colliery, P.O. Korba Collieries, N.C.D.C. Ltd., District Bilaspur (M.P.)—*Complainant.*

Vs.

- (1) Deputy Superintendent of Collieries, N.C.D.C. Ltd.. }
Korba Colliery.
- (2) Area General Manager, N.C.D.C. Ltd., Korba. }
- (3) Managing Director, N.C.D.C. Ltd., Ranchi. } —Opp. Parties.

APPEARANCES:

For Complainant—Sri Paul Singh, Complainant.

For Opp. Parties—None.

INDUSTRY: Coal Mine.

DISTRICT: Bilaspur (M.P.).

AWARD

Sri Paul Singh, Senior Overman, at Korba Colliery belonging to N.C.D.C. Ltd., moved an application under Sec. 33-A of the Industrial Disputes Act complaining that he had been a Senior Overman but his designation has been changed into Overman dropping the prefix "Senior". It was contended that this was contravention of Sec. 33 of the said Act because of the pendency of Reference No. CIT.LC. 2 of 1966 before this Tribunal.

He was required to show cause how the application was in order having been filed against three officers of the Corporation and not against the employers themselves. He consented to file a fresh application in proper form and did not get the present application suitably amended. The application was, therefore, ordered to be filed without determining the merits of the complaint. Since, however, the order amounts to an award it is being submitted to the appropriate Government under the provisions of Sec. 33-A of the I.D. Act,

(Sd.) G. C. AGARWALA,
Presiding Officer.

[No. 5/50/66-LRII.]

S O. 1404.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta, in the industrial dispute between the employers in relation to the Babisole Colliery, Post Office Andal, District Burdwan, and their workmen, which was received by the Central Government on the 6th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA
REFERENCE NO. 17 OF 1966

PARTIES.

Employers in relation to the Babisole Colliery

AND

Their workmen.

PRESENT:

Shri S. K. Sen—*Presiding Officer.*

APPEARANCES:

On behalf of Employers—Absent.

On behalf of Workmen—Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/23/65-LRII, dated 6th April, 1965, the Central Government referred for adjudication an industrial dispute concerning the retrenchment of one Shri Mautili Prasad Singh by the employers in relation to Babisole Colliery with effect from the 14th September, 1964. Maruti Prasad Singh, according to the Union, was a Store-Keeper in the mechanical section but according to the management he was a helper in the mechanical section and he was retrenched because owing to the non-availability of spare parts of certain foreign machines the work in the mechanical section had to be cut down considerably.

2. After the dispute was referred to the adjudication both parties filed their written statements and date of hearing was fixed. On the date of hearing, 3rd April, 1967, the Vice-President of the union, Colliery Mazdoor Sabha, filed a petition stating that the union does not intend to pursue the case and that the

matter may be disposed of as if there is no dispute. This reference case is dispute concerning the workman, Shri Maruti Prasad Singh.

The 4th April, 1967.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 6/23/65-LRII.]

S.O. 1405.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur, in the industrial dispute between the employers in relation to the Birsinghpur Colliery of Messrs Johilla Coalfields (Private) Limited, Post Office Birsinghpur Pali, District Shahdole (Madhya Pradesh) and their workmen, which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967

PRESENT:

Sri G. C. Agarwala—*Presiding Officer.*

REFERENCE No. CGIT-9 of 1965 (BOMBAY)

REFERENCE No. CIT/LC-3 of 1966 (JABALPUR)

In the matter of an industrial dispute between the Birsinghpur Colliery of Messrs Johilla Coalfields (Private) Limited, P.O. Birsinghpur Pali, District Shahdole (Madhya Pradesh) and their workmen.

APPEARANCES:

For the employers—S/Sri J. K. Chowdhry, Law Secretary, Central India Coalfields Mining Association and K. C. Jain, General Manager of the concern.

For the workmen—Shri G. C. Jaiswal, General Secretary, Johilla Colliery Mazdoor Sangh.

INDUSTRY: Coal Mine

DISTRICT: Shahdole (M.P.).

AWARD

The following two matters of dispute as stated in the Schedule to the order of reference were referred to Central Government Industrial Tribunal, Bombay by Notification No. 5/17/64/LRII, dated 1st February, 1965. The proceedings remained pending before the said Tribunal from 11th February, 1965 to 24th September, 1966 when they were transferred to this Tribunal by Notification No. 8/141/66-LRII, dated 17th September, 1966:

SCHEDULE

1. Whether the retrenchment of Shri Satyanarayan Shivhara, with effect from the 25th April, 1964 by the management of Birsinghpur Colliery is justified and if not to what relief is he entitled?
2. Whether Shri Satyanarayan Shivhara is entitled to any overtime allowance during the period from 1st December, 1960 to the 31st March, 1963, if so what amount is payable to him on this account?

The statement of claims were filed by both the parties before the Bombay Tribunal. Rejoinders were, however, filed in this Tribunal on 27th October, 1966. Certain additional issues were framed on 30th January, 1967 and another issue was added on 2nd March, 1967. After a few dates of hearing the case was listed on 16th March, 1967 for the management to file certain statement on affidavit. The parties, however, compromised both the matters of dispute on this date and filed a compromise petition, terms of which are reproduced in the annexure.

The workman concerned, Shri Satyanarayan Shivhara, joined the colliery on 17th June, 1957 as a clerk. In March, 1963 he wanted to change over as a Mining Apprentice and therefore resigned his clerical job. After a short while he again

applied to be taken to his original post and was reappointed on 1st May, 1963. He claimed that between the period 1st December, 1960 to 31st March, 1963 he rendered overtime duty for which he was not paid and claimed a sum of Rs. 5890/- as overtime allowance. After his re-employment from May, 1963 it appears that the management found him surplus and retrenched him. It was contended on behalf of the workmen that the retrenchment was unjustified and *mala fide*. The management disputed both these points. The terms of compromise, however, would show that both the disputes have been satisfactorily resolved. The claim for overtime allowance has been given up. Sir Satyanarayan Shivhare has been permitted to resume his duty on a basic salary of Rs. 65/- P.M. with effect from 1st April, 1967. The period from 25th April, 1964 to 31st March, 1967 is to be treated as authorised absence. The disputes, therefore, are satisfactorily resolved and being fair and reasonable the compromise has been accepted. An award is, therefore, recorded in terms of the compromise settlement.

(Sd.) G. C. AGARWALA,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT-9 of 1965 (BOMBAY)
In the matter of reference No. CIT/LC-3 of 1966 (Jabalpur).

BETWEEN

M/s. Johilla Coalfields (P) Ltd., Birsinghpur Colliery, P.O. Birsinghpur Pali, Distt. Shahdole (M.P.).

AND

Their workmen as represented by Johilla Colliery Mazdoor Sangh. P.O. Birsinghpur Pali, Distt. Shahdole, (M.P.).

Prayer for passing an award

May it please the Hon'ble Tribunal,

The management and the Union have agreed to settle the dispute mutually on the terms mentioned below:

- (1) That the management agrees to allow Shri Satya Narain Shivhare to resume his duty from 1st April, 1967.
- (2) That Shri Satya Narain Shivhare will be paid a basic salary of Rs. 65/- per month.
- (3) That the period from 25th April, 1964 to 31st March, 1967 will be treated as authorised absence.

(4) This settles both the issues under reference.

Both the parties pray the Hon'ble Tribunal to pass an award accordingly.

Representing Workmen:

(Sd.) G. C. JAISWAL,
General Secretary,
Johilla Colliery Mazdoor Sangh,
Birsinghpur-Pali,
Distt. Shahdole (M.P.)
Birsinghpur-Pali,
dated 15-3-67.

Representing Management:

(Sd.) K. C. JAIN.
General Manager,
Johilla Coalfields (P) Ltd.,
Birsinghpur-Pali,
Distt. Shahdole (M.P.).

Witness

(Sd.) HARBANS SINGH
Verified
(Sd.) G. C. AGARWALA
16-3-1967

(Sd.) G. C. JAISWAL

(Sd.) HARBANS SINGH

PART OF AWARD

(Sd.) G. C. AGARWALA,
Presiding Officer.

[No. 5/17/64-LRII.]

S.O. 1406.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-cum-Labour Court (Central), Jabalpur in the matter of application under Section 33A of the said Act from Shri Paul Singh of Korba Colliery, Post Office Korba Collieries, National Coal Development Corporation Limited, District Bilaspur, which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967

PRESENT:

Sri G. C. Agarwala—*Presiding Officer.*

CASE No. CGIT/LC-1 of 1967

(Under Sec. 33-A of the Act)

(Arising out of case Reference No. CIT/LC-2 of 1966)

PARTIES:

Shri Paul Singh, Senior Overman, Korba Colliery, P.O. Korba Collieries, N.C.D.C. Ltd., Distt. Bilaspur (M.P.)—*Complainant.*

Versus

Sri J. Modi, Assistant Colliery Manager, Korba Colliery, P.O. Korba Collieries, N.C.D.C. Ltd., Distt. Bilaspur (M.P.)—*Opp. Party.*

APPEARANCES:

For Complainant—Sri Paul Singh, Complainant.

For Opp. Party—None.

INDUSTRY: Coal Mine.

DISTRICT: Bilaspur (M.P.)

AWARD

Sri Paul Singh, a Senior Overman in Korba Colliery belonging to N.C.D.C. filed an application under Sec. 33-A of the I. D. Act, 1947 complaining that the Opposite Party who has been arrayed as Sri J. Modi, Assistant Colliery Manager, Korba Colliery, has contravened the provisions of Sec. 33 of the said Act during the pendency of a case Reference No. CIT/IC No. 2 of 1966 before this Tribunal. He contended that he was being required to sign Sirdars Daily Report Book inspite of the fact that he is a Senior Overman and had been signing Overmans Report. This was a change in the conditions of his service and therefore a violation of Sec. 33 of the Act. He was required to show cause how the application against an officer of the employers was in order and maintainable. He appeared and stated that he does not press the application. The application was, therefore, ordered to be filed without the necessity of adjudication on the merits of his complaint. As required by Sec. 33-A of the Act, the order which amounts to an award is being submitted to the appropriate Government.

(Sd.) G. C. AGARWALA,
Presiding Officer,
[No. 3/1/66-LRII.]

New Delhi, the 14th April 1967

S.O. 1407.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following corrections made by the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur, in pursuance of rule 28 of the Industrial Disputes (Central) Rules, 1957, in its award issued in the industrial dispute between the employers in relation to the Jhinguria Colliery of the National Coal Development Corporation, Limited, and their workmen and published in the Gazette of India, Part II, Section 3, sub-section (ii), at pages 506-513 with the notification of the Government of India in the Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment) No. S.O. 653 dated the 25th February, 1967, namely:—

at page 512, in lines 40-41, Insert the word "not" in between the words ". were not justified in" and "providing free transport."

(Sd.) G. C. AGRAWALA,
Presiding Officer,
Industrial Tribunal-cum-Labour Court (Central), Jabalpur.
[No. F. 5/25/65-LRII.]

S.O. 1408.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2, Calcutta, in the industrial dispute between the employers in relation to the South Samla Colliery, Post Office Pandaveswar, District Burdwan and their workmen, which was received by the Central Government on the 10th April, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE NO. 102 OF 1966

PARTIES:

Employers in relation to the South Samla Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—*Presiding Officer.*

APPEARANCES:

On behalf of Employers—Shri Tushar Kanti Bhattacharyya.

On behalf of Workmen—Shri Kalyan Roy, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coal Mines.¹

AWARD

By Order No. 6/59/65-LRII, dated 28th April, 1966, the Central Government referred for adjudication an industrial dispute between the employers in relation to the South Samla Colliery, P.O. Pandaveswar, Dist. Burdwan and their workmen in respect of the subject matter mentioned in the following schedule:

"Whether the action of the management of South Samla Colliery, Post Office Pandaveswar in suspending Sarvashri Gurucharan Hajian, Rajnath Chowhan, Sripat Rajbhar, Motichand Rajbhar and Rambali Chowhan, for ten days, with effect from the 15th September, 1964 was an act of victimisation? If so, to what relief are these workmen entitled?"

2. As the schedule shows, the dispute concerned the suspension of 5 workmen for 10 days. According to the case of the management the 5 workmen who were trammers man-handled the attendance clerk and assaulted workmen Topeswar Mahato and Lakshmi Mahato on 11-9-64 at 8-30 p.m. and they were chargesheeted and an enquiry was conducted by the Welfare Officer. They were found guilty and were warned and suspended for 10 days. According to the case of the union, however, the workmen were suspended after they had submitted their replies to the chargesheet without having been called to appear before any Enquiry Officer. The case was fixed for hearing on 29th May, 1967 but on 4th April, 1967 the parties appeared before the tribunal and reported that the dispute had been settled amicably. They filed a joint petition stating that it has been agreed that the 5 workmen mentioned in the Reference Order will be paid full wages for the 10 days of suspension and that the payment would be made on or before 30th March, 1967. The terms appear to be favourable particularly for the workmen and the agreement is, therefore, accepted. An award is made in terms of the agreement and the joint petition of agreement shall form part of the award.

S. K. SEN,
Presiding Officer.
5-4-1967.

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 CALCUTTA

In the matter of Reference No. 102 of 1966

BETWEEN

Employers in relation to the South Samla Colliery

AND

Their workmen.

The parties to the above dispute—the management of the South Samla Colliery and the Colliery Mazdoor Sabha discussed the above dispute

regarding suspension of five workmen—Gurucharan Harijan, Rajnath Chowhan, Sripat Rajbhar, Motichand Rajbhar and Rambali Chowhan for ten days and came to the following agreement:—

1. That the workmen mentioned above will be paid ten days' full wages on or before 30th March, 1967.

For this the parties shall ever pray as in duty bound.

Parties

For Workmen

KALYAN ROY,
General Secretary,
Colliery Mazdoor Sabha, Asanso.

For Management

D. J. SHETHIA,
For Kalyanji Mavji & Co.
[No. 6/59/65-LRII.]

ORDERS

New Delhi, the 13th April 1967

S.O. 1409.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dutta's Central Kajora Colliery, Post Office Kajogram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the following workmen of Dutta's Central Kajora Colliery had actually resigned their jobs with effect from various dates in May—June, 1966?

1. Shri Kameshwar Pasman, U.G. Trammer.
2. Shri Baijnath Tewari, Machine Mazdoor.
3. Shri Janeswar Dusad, H/Khalasi.
4. Shri Muchu Ram Harijan, Loader.
5. Shri Rambachan Singh, Night Guard.

If not, to what relief are they entitled?

[No. 6/96/66-LRII.]

S.O. 1410.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ballarpur Collieries Company Limited, Nagpur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Rambhai Adkujee Dhabekar Relieving Fitter by the management of Balarpur Colliery with effect from the 2nd November, 1966, was justified? If not, to what relief is the workman entitled?

[No. 3/1/67-LRII.]

S.O. 1411.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery, Post Office Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the dismissal of Shri Lakha Saw, Stowing Fitter, by the management of the Bhowra Colliery with effect from the 17th October, 1966 was justified?
- (ii) If not, to what relief is the workman entitled?

[No. 2/31/67-LRII.]

S.O. 1412.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ramgarh Jharia Colliery, Post Office Karmatand, *via*, Mohuda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Additional Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the stoppage from work of Shri Rajkishore Singh, Night Guard of Ramgarh Jharia Colliery, with effect from the 26th December, 1966 by the management was justified?
- (ii) If not, to what relief is the workman entitled?

[No. 2/39/67-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour & Employment)

New Delhi, the 11th April 1967

S.O. 1413.—In exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Additional Industrial Tribunal with headquarters at Dhanbad and appoints Shri Nandagiri Venkata Rao as the Presiding Officer of that Tribunal without prejudice to his appointment and continuance as Presiding Officer of the Labour Court, Dhanbad, under the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1239, dated the 18th April, 1966.

(2) This notification shall be deemed to have come into force on the 31st March, 1967.

[No. F. 1/28/67-LR.I.]

S.O. 1414.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, Hyderabad in the Industrial dispute between the employers in relation to the Visakhapatnam Port Trust, Visakhapatnam and their workmen which was received by the Central Government on 31st March, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL), ANDHRA PRADESH,
HYDERABAD.

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal (C),
Andhra Pradesh, Hyderabad.

Industrial Dispute No. 53 of 1955.

BETWEEN

Workmen of Visakhapatnam Port Trust, Visakhapatnam.

AND

The Management, Visakhapatnam Port Trust, Visakhapatnam.

APPEARANCES

Neither party appeared in person.

AWARD

The Government of India in its Ministry of Labour & Employment had, by Order No. 28/60/63/LRIV dated 22nd June 1965, referred this dispute to my learned predecessor, Dr. Mir Siadat Ali Khan, for adjudication. The issues as per Schedule annexed to the Notification are these:—

- (1) Whether the demand to up-grade all the existing "B" and "B-1" category workers (Shore labour) to category "A" is justified? If not, what number should be up-graded as "A" category workers?
- (2) Whether the demand for grant of weekly day of rest with wages for all the workers is justified?
- (3) Having regard to the work-load, whether the demand for increase in the Gang strength of the shore khalasis and proportionate increase in the piece-rate is justified?

2. The General Secretary, Port Khalasis Union, Visakhapatnam, and the General Secretary, Dock Workers Union, Visakapatnam, are party to the reference. Neither Union had filed statement of claims. In consequence there is no counter from the Management. The reference was received in the month of June 1965. Even before the parties filed their respective pleadings, the Management on the one side and the concerned employees on the other had entered into a Settlement and a Memorandum of Settlement dated 23rd June 1965 was sent to my learned predecessor by registered post in respect of issues 2 and 3. Based thereon, my learned predecessor passed a Part Award on 13th August 1965. There remained issue 1, and to that extent the dispute has been pending. I succeeded Dr. Mir Siadat Ali Khan as Presiding Officer, Industrial Tribunal, Andhra Pradesh. That was on 19th November 1965. By proceedings No. 7/33/65-LRJI dated 31st January 1966 the Government of India transferred this dispute, along with other disputes referred to him by the said Government, from Dr. Mir Siadat Ali Khan to me. That is how I have jurisdiction to finally dispose of this dispute.

3. As I said, issue 1 remains to be decided. The parties did not file pleadings in respect of issue 1, either. I received by registered post a Memorandum of Settlement dated 29th December 1966. It is signed by Mr. C. R. Reddy, Chairman, Visakhapatnam Port Trust, representing the Management. Two representatives of the workmen have signed it. They are Mr. B. G. M. A. Narsing Rao, President, Dock Workers Union, Visakhapatnam, and Mr. P. Manavalayya Naidu, President, Port Khalasis Union, Visakhapatnam. Notices were directed by me to both the Unions to send authorisations to say that their Presidents were authorised to enter into a settlement. There was no response. Next I sent a final notice dated 28th February 1967 to the President of each Union. The President of the Port Khalasis Union sent a telegram on 14th March 1967 to say that the authorisation letter was on its way. It has since been received on 17th March and it is signed by Mr. P. Manavalayya Naidu, President, Port Khalasis Union. Although I have waited for it till now, any authorisation has not been received so far from the Dock Workers Union. I do not think it is necessary to wait for it any more seeing that the authorisation from the Port Khalasis Union has been received. This particular settlement in respect of issue 1 is, as I said, signed by the President of each of the two Unions. And, moreover, the same two gentlemen were party to the earlier settlement in respect of issues 2 and 3 based on which my learned predecessor had passed award on 13th August 1965. I will proceed to pass award on the basis of the Memorandum of Settlement dated 29th December 1966 in respect of issue 1, that being the only issue remaining in the dispute. With that, a finality would be reached in the dispute.

4. It is provided in the Memorandum of Settlement dated 29th December 1966 that with effect from 1st January 1967 twenty four maistries and 452 workers in Category B would be upgraded to grade A and that 15 maistries and 82 workers in category B-1 would be upgraded to Grade A-1. I am satisfied that it is a fair settlement between the parties.

5. Award is herewith passed in terms of the Memorandum of Settlement dated 29th December 1966, a copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 23rd March 1967.

M. NAJMUDDIN, Industrial Tribunal.

APPENDIX

VISAKHAPATNAM PORT TRUST

Memorandum of agreement arrived at between the Visakhapatnam Port Trust and their workmen as represented by the Port Khalasis Union and the Dock Workers Union in the matter of item No. 1 of the Schedule of the Industrial Dispute No. 53 of 1965 before the Industrial Tribunal (Central) Hyderabad, in the Office of the Chairman, Visakhapatnam Port Trust, on 29th December 1966.

PARTIES PRESENT:

Representing Management.

Shri C R. Reddy, Chairman, Visakhapatnam Port Trust.

Representing Workmen:

1. Shri P. Manavalayya Naidu, President, Port Khalasis Union, Visakhapatnam.
2. Shri B. G. M. A. Narasinga Rao, President, Dock Workers Union, Visakhapatnam.

Short Recital of the Case

The Import Shore Workers struck work with effect from 2nd shift of 14th June 1965. The Presidents of Port Khalasis Union and Dock Workers Union jointly submitted a charter of demands containing six, under their letter dated 15th June 1965. Conciliation Proceedings were held on 16th and 17th June, 1965 and a failure of conciliation report was submitted under Conciliation Officer's letter No. COV. 13(61)/65, dated 19th June 1965. The Government of India (Ministry of Labour & Employment) referred the dispute to the Tribunal for adjudication and prohibited the continuance of the strike—vide Order No 28/60/65/LRIV dated 22nd June 1965 from the Under Secretary to the Government of India, Ministry of Labour & Employment, New Delhi.

As a result of further discussions held by the Regional Labour Commissioner (Central), Hyderabad and the conciliation Officer (Central), Visakhapatnam, on 24th and 25th June 1965, a settlement was reached on items Nos. 2 and 3 of Schedule to the order of reference for the adjudication. A Part Award was granted on 13th August 1966 for these two issues by the Hon'ble Industrial Tribunal, Andhra Pradesh, Hyderabad—vide notification No 25/60/65/LRIV dated 31st August 1965 from the Under Secretary to the Government of India, Ministry of Labour & Employment.

After further discussions between the parties concerned over Item No. 1 of the Schedule, a settlement was reached as follows: -

T.	I agree to upgrade :	
	"B" Category Maistries	24
	Worker.	452
	"B-1" Category Maistries	15
	Workers	82

into 'A' and 'A-1' Categories respectively with effect from 1-1-67.

Both the parties agree to file this Memorandum of Settlement before the Hon'ble Tribunal with the request to record this as a Settlement in respect of Item No. 1 also of the Schedule and for passing the Award accordingly.

Representing Management:

Sd/- C. R. REDDY,
Chairman,
Visakhapatnam Port Trust.

Representing Workmen:

Sd/- B.G.M.A. NARSINGA RAO,
President, Dock Workers Union,
Visakhapatnam.

Sd/- P. MANAVALAYYA Naidu,
President, Port Khalasis Union,
Visakhapatnam.

Witnesses :-

1. Sd/- xx
2. Sd/- T. S. NARASIMHAM.

New Delhi, the 14th April 1967

S.O. 1415.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Nandini Kundini Quarry of Bhilai Steel Project, Post Office Ahiwara, District Durg and their workmen which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

PRESENT:

Sri G. C. Agarwalla - Presiding Officer.

REFERENCE No. CGIT-35 OF 1965 (BOMBAY)

REFERENCE No. CIT/LC-31 OF 1966 (JABALPUR)

In the matter of an industrial dispute between the Nandini Kundini Quarry of Bhilai Steel Project, Post Office Ahiwara, District Durg and their workmen.

APPEARANCES:

For the employers:—S/Shri B.N. Trehan, Senior Personnel Officer, N.P. Dhusia, Chief Industrial Relations and I.. J. Kale, Senior Labour Officer & Sri N. P. Sirpurkar, Law Officer

For the workmen:—Sri H. C. Gupta, Secretary, Steel Workers Union.

INDUSTRY: Stone Quarry

DISTRICT: Durg (M.P.)

AWARD

The following matter of dispute as stated in the Schedule to the order of reference was referred to Central Government Industrial Tribunal, Bombay, by an order No. 22/42/C4-LR-I dated April 29, 1965 by Government of India, Ministry of Labour and Employment:—

SCHEDULE

"Whether the management of Bhilai Steel Project is justified in denying the benefit of mines allowance to its workmen employed at Nandini Kundini quarry and if not, to what relief are the workmen entitled?"

The proceedings remained pending before the Bombay Tribunal from 7th May, 1965 to 19th October, 1966 whereafter it was transferred to this Tribunal by Order No. 26/11/66 dated 26th September, 1966.

The parties had filed their pleadings before the Bombay Tribunal. Before this Tribunal the case came up for hearing for the first time on 18th November, 1966 for preliminary hearing when it was adjourned to 5th December, 1966 on the request of the employers. The employers did not turn up on this date and therefore ex parte proceedings were conducted but subsequently on an application and affidavit of the employers the order was set aside and the case was taken up for hearing on different dates. It is needless to state the proceedings held on different dates as the parties have now compromised the dispute and have filed a compromise petition, terms of which are reproduced in the annexure. The compromise has been duly verified before me.

The matter of dispute is a simple one. The workmen employed in the Stone Quarry of Nandini Kundini had been demanding mines allowance which had been sanctioned to workers of other mines namely, Rajhara, Nandini and Hirri under the Bhilai Steel Project by an order of the General Manager No. 85 dated 28th July, 1959 and modified and extended by a further order No. 103 dated 16th October, 1961. The stand taken by the management for denying this allowance was that the quarry was a temporary one and the material extracted was not utilised for production of the mineral but was used particularly for construction purposes. The workers on the other hand contended that like other mines to which the benefits had been extended they were also entitled to this allowance.

As the terms of compromise would show, the management has now agreed to pay the mining allowance to the workers of this Nandini Kundini Stone Quarry with effect from 1st August, 1966 in terms of the General Manager's Order No. 103 dated 16th October 1961. The demand having been conceded by the management there is no dispute left on the point. The reference is, therefore, answered in the

negative. The workmen are entitled to the allowance as agreed to in the compromise settlement.

Sd/- G. C. AGARWALA,
Presiding Officer.
30-3-1967.

BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (JABALPUR)

REFERENCE NO. CIT(31) OF 1966

Employers in relation to the Nandini Kundini Quarry of Bhilai Steel Project and their workmen.

The management of Hindustan Steel Limited, Bhilai Steel Plant is being represented by their Law Officer Shri N. B. Sirpurkar and Shri N. J. Kale, Senior Labour Officer. Steel Workers' Union, Nandini Mines Branch is being represented through its Secretary Shri H. C. Gupta.

Both representatives of the Management and the Union have agreed to the following terms and conditions:—

(a) Parties agree that the Management has agreed to make payment of mining allowance to those of its direct employees who were working at the Nandini Kundini Stone Quarry.

(b) That the mining allowance shall be paid from the date on which it was introduced in the Bhilai Steel Plant, i.e. from 1st August, 1960 in terms of GM's order No. 103 dated 16th October, 1961.

That the parties agree on the above terms and conditions and further request the Hon'ble Tribunal to pass an Award in accordance with the terms and conditions as mentioned above.

Signed this day the 11th March, 1967 by the representatives of the Management and the Union.

Representing Management:

Sd/- N. B. SIRPURKAR,

Law Officer.

11-3-67.

Sd/- N. J. KALE,

Senior Labour Officer(M).

11-3-67.

Representing the workers:

Sd/- H. C. GUPTA,

Secretary.

Steel Workers Union,

Nandini Mines.

11-3-67.

Verified.

Sd/- G. C. AGARWALA,

15-3-67.

Sd/- H. C. GUPTA,

15-3-67.

PART OF AWARD

Sd/- G. C. AGARWALA,

Presiding Officer

Industrial Tribunal-cum-Labour Court (Central), Jabalpur.

[No. F. 22/42/64-LRI.]

S.O. 1416.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Nandini Lime Stone Mines of Bhilai Steel Project, Post Office, Bhilai, District Durg and their workmen which was received by the Central Government on the 4th April, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT JABALPUR

Dated March 30, 1967.

PRESENT:

Sri G. C. Agarwala.—*Presiding Officer.*

Reference No. CGIT-32 of 1966 (BOMBAY)

Reference No. CIT/LC-32 of 1966 (JABALPUR).

In the matter of an industrial dispute between The Nandini Lime Stone Mines of Bhilai Steel Project, P.O. Bhilai, District Durg (M.P.) and their workmen.

APPEARANCES:

For the employers:—S/Sri L. J. Kale, Sr. Labour Officer (Mines), G. P. Dube, Asstt. Law Officer (Mines) of the employers.

For the workmen:—Sri H. C. Gupta, Secretary, Steel Workers Union.

INDUSTRY: Lime Stone Mine.

DISTRICT: Durg (M.P.).

AWARD

The Government of India, Ministry of Labour and Employment, by an order No. 22/37/64-LRI, dated 20th April 1965 referred the following matter of dispute under Section 10 Sub-section (1) clause (d) to the Central Government Industrial Tribunal, Bombay:—

MATTER OF DISPUTE

"Whether the management of Bhilai Steel Project was justified in employing Shri S. P. Tiwari, Magazine Incharge of Nandini Lime Stone Mines as Quarry Supervisor and thereby depriving him of the benefit of production bonus as per Merchant's Award. If not, to what relief is he entitled?"

The proceedings remained pending before the said Tribunal till it was transferred to this Tribunal by Order No. 26/11/66, dated 26th September, 1966.

The written statement of claims had been filed before the Bombay Tribunal. The rejoinders were, however, filed in this Tribunal. After preliminary hearing, it transpired on 17th January, 1967 that the terms of reference as worded do not correctly depict the real dispute in controversy between the parties. The employers, therefore, took time on two dates to have language of the reference suitably amended. They have now stated that they could not do so. We have therefore to proceed on the terms of reference as worded in the schedule and reproduced above.

By an award of Sri Salim Merchant, Presiding Officer, Central Government Industrial Tribunal, Bombay in Ref. No. CGIT-27 of 1962 dated 1st June, 1963, it was held that the management was not justified in restricting payment of Production Bonus to certain selected categories of workmen only and that Production Bonus should be paid to all the workers on the mechanised zone whether work charged or on the N.M.R. in the three mines of Rajhara, Hirri and Nandini and who are working on the production side. The workman concerned, Sri S. P. Tiwari, was borne on the roll of manual mine of Nandini Mine Stone Quarry as a Magazine Incharge although he had been deployed on different jobs but not as a Magazine Incharge. He claimed that by reason of his designation he was also working in the production side and was, therefore, entitled to Production Bonus. The management resisted this contention of the workmen on two grounds—(1) firstly that the Merchant's Award does not apply to manual mines and secondly, that although he was designated as Magazine Incharge yet he had not been employed to discharge the duties of Magazine Incharge. Eligibility according to the Award depended on the work actually rendered and not on the designation. This was actually the controversy between the parties in conciliation as would appear from the failure report of the Conciliation Officer appended with the order of reference. The pleadings filed before this Tribunal also indicate that the Union claimed Production Bonus on the ground of the designation of Sri S. P. Tiwari as Magazine Incharge and the management resisted this claim on the ground that the award does not apply to manual mine and further that more designation would not entitle him to claim Production Bonus and since he had not been working at any time as Magazine Incharge there is no claim for bonus. The language of the issue under reference, however, does not correctly reproduce the controversy between the parties. Firstly, because the claim for bonus for the past period is not covered by the terms of reference. Secondly, because it is implied in the terms of reference as worded that Sri Tiwari had not only been designated but working as Magazine Incharge which is assumed by language of the reference and also that he has been transferred as a Quarry Supervisor so as to deprive him of the benefit. Actually Sri Tiwari has merely held the designation of Magazine Incharge but admittedly had never worked as such. Further he has not been transferred to work as Quarry Supervisor but by the order dated 25th June, 1962 he was first required to work as a Reliever of Sampling Supervisor (*vide* Ex. E. 8 and E. 9) and later on by another

Order dated 20/24th December, 1962 (Ex. E.9/A) he was made an Assistant to the Quarry Supervisor. Thus he was only an Ass'tt. to the Quarry Supervisor. The complexion of reference therefore is entirely different than contemplated by the parties and as it can not be altered or enlarged by this Tribunal the enquiry will have to be restricted as envisaged by the wordings of the schedule under reference.

From the papers (service record) of Sri S. P. Tiwari which the management were required to file, it appears that he was originally appointed as a Mate in the grade of Rs. 40-2-80 on 1st November, 1960. He was promoted to the post of Magazine Incharge with effect from 1st August, 1961 by an order dated 8th January, 1962 in the grade of Rs. 80-3-80. It may be mentioned that by the same order Purushottam Pandey from whose case a parallel is attempted to be drawn on behalf of the workmen by comparison was also appointed as Magazine Incharge (vide Ex. E. 7). Although Sri Tiwari held designation of Magazine Incharge he never worked as such and he applied for Production Bonus on 2nd December, 1963 (Ex. E. 10) but this request was turned down by an order of the management dated 25th December, 1963 (Ex. E. 11) on the ground that he had been a Manual Quarry Assistant to the Supervisor and the designation has no bearing on eligibility. His grievance is that Sri Purushottam Pandey who was similarly appointed had been paid Production Bonus. The management has given reasons in their rejoinder why this was done in the case of Sri Purushottam Pandey. Since the claim for bonus is not a matter in dispute before me it is needless to compare the claim of Tiwari with Sri Purushottam Pandey. The main ground urged before me, however, is that he is being deprived from the work of Magazine Incharge and has been transferred to another job in order to favour one Sri A. K. Chetty who was originally a Quarry Supervisor. The management was required to produce the relevant records for Sri Chetty also. It appears that Sri Chetty was appointed on 1st June, 1960 as Explosive Supervisor on basic pay of Rs. 90/- (Ex. E. 35 to E. 38). By an order dated 11th July, 1960 he was made Incharge of two magazines, 25 tons and 10 tons each and was authorised to draw explosives (vide Ex. E. 39 and E. 40). By an order dated 8th January, 1962 (Ex. E. 41) he along with others was promoted to the post of Quarry Supervisor retrospectively with effect from 1st August, 1961 in the pay scale of Rs. 100-8-300. He applied for the post of Magazine Incharge on 14th December, 1964 as would appear from Ex. E. 42. Till then he appears to have had the designation as Quarry Supervisor-cum-Magazine Incharge. From the report of the Mines Manager (Ex. E. 44) dated 5th February, 1965 it appeared that since the date of his joining the Mines he had been looking after both the magazines and was connected with the blasting operations of mechanised zone. On the basis of this, it appears that he had been made Magazine Incharge for both the mechanised and the manual mines. Sri Purushottam Pandey, it further appears had been assisting him not only for the manual mines but also for the mechanised mines and having the designation of Magazine Incharge. It is precisely for this reason that the management gave Production Bonus to these two. The insinuation of the Union that Sri Chetty had been super in post and had been given the work of Magazine Incharge depriving the claims of Sri Tiwari is thus clearly ill founded. Sri Chetty had held a supervisory post connected with the magazines and explosives from the very beginning. That transferring of Sri Tiwari from the relieving post of Sampling Supervisor to work as an Assistant with Quarry Supervisor by the Mines Manager by means of his order dated 20/24th December, 1962 has no relevancy with the case of Sri Chetty. He has been working on different jobs although designated as Magazine Incharge. The only unsatisfactory part of the matter is that the management allowed his designation to remain as Magazine Incharge although he had been assigned different jobs at different times. It could not be said that at the time of his transfer he was actually rendering the work of Magazine Incharge nor was he transferred to work as a Quarry Supervisor. It is, therefore, held that Sri S. P. Tiwari though designated as a Magazine Incharge was never working as Magazine Incharge and had not been transferred as Quarry Supervisor but was transferred to work as an Assistant to the Quarry Supervisor from the post of Sampling Supervisor by means of an order dated 20/24th December, 1962 (Ex. E. 9/A). The management was justified in so doing. The reference is answered accordingly. No order is made for costs.

Sd./- G. C. AGARWALA,
Presiding Officer.
(Sd.) Illegible.

True Copy.

Personal Assistant,
Industrial Tribunal-Cum-Labour Court,
(Central) Jabalpur.

[No. 22/37/64-LRI.]

S.O. 1417.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between Messrs V. V. Pakir Mohammed Rowther & Company, Madras and their workmen which was received by the Central Government on 11th April, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS

Monday, the 27th day of March, 1967.

PRESENT.

Sri B. S. Somasundaram, B.A. B.L.—*Industrial Tribunal.*

INDUSTRIAL DISPUTE NO. 73 OF 1966.

(Between the workmen and the management of Messrs V. V. Pakir Mohammed Rowther and Company, 29 A, Muthu Mudali Street, Vyasarapady, Madras-12.)
BETWEEN

The General Secretary,
Madras Port and Dock Workers Congress
No. 11, Philips Street, Madras-1.

AND

The Partner,
Messrs. V. V. Pakir Mohamed Rowther & Co.
No. 29-A, Muthu Mudali Street, Vyasarapady.
Madras-12

REFERENCE

Government of India order No 28(95)/66 L.R IV dated 8th November, 1966
Department of Labour and Employment, Ministry of Labour Employment and Rehabilitation New Delhi.

This dispute coming on for final hearing on Thursday, the 2nd March, 1967 upon pursuing the claims and counter statements and other material papers on record and upon hearing the arguments of Sri S. M. Narayanan, General Secretary of the Union appearing for the Union and of Sri N. Krishna Mitra, Advocate, appearing for the Management and the dispute having stood over till this day for consideration, this Tribunal made the following award.

This dispute referred by the Government of India as per reference No 28(95)/66-LRIV dated 8th November, 1966, Department of Labour & Employment, New Delhi, relates to the non-employment of 9 persons who were employed in Messrs. P. V. Pakir Mohamed Rowther & Co. a partnership firm, engaged in loading, unloading etc., work at the Madras harbour. This partnership firm came into existence on 1st May, 1964 with three partners, viz., V. V. Pakir Mohamed Rowther, V. V. Abdul Muthaleef and V. V. Syed Mohamed Rowther and it was registered on 25th June, 1964 before the Registrar of Firms under the Indian Partnership Act. On 4th April, 1966 the union complained to the Assistant Labour Commissioner (Central) at Madras, that this firm had not implemented the Wage Board recommendations. A copy of this complaint was also marked to this concern (Ex W-1). The case of the union is that because of these activities the management on 13th April, 1966 denied employment to these 9 workers. This was taken to the notice of the Regional Labour Commissioner (Central) Madras on 18th April, 1966 as per Ex. W. 2. He by Ex. W. 3 a letter dated 3rd May, 1966 advised the company to provide employment for these persons. This was not done. This resulted in conciliation proceedings. The management had no objection for giving work to these persons provided they reported at their Head Office situated at Vyasarapadil which is about 5 KMS from the harbour, the place of work. The union wanted payment of transport charges. The conciliation failed and the matter has now come up before this tribunal as per the reference mentioned above.

2. The issue referred for adjudication is as below:—

Whether the management of Messrs. V. V. Pakir Mohamed Rowther & Company, Madras was justified in stopping from work from the 13th April, 1966 the workmen mentioned below on account of their refusal

to present themselves at Vyasarapadi every day for the purpose of marking their attendance ?

1. Shri Jamal.
2. Shri Devarajan.
3. Shri Wahab.
4. Shri Jinulabuddin.
5. Shri Sahamshu.
6. Shri Sikandar.
7. Shri Ayub Khan.
8. Shri Bajoo.
9. Shri Gunasekaran.

3 On behalf of the management it is contended that the partnership firm stands dissolved as per Ex. M. 1 from 31st July, 1966, that as on today no firm as such is in existence for providing employment to these persons and that as such the reference is not sustainable. The denial of work was on 13th April, 1966. The report about the failure of conciliation (Ex. W. 6) is dated 9th June, 1966 and the alleged dissolution of the partnership takes place subsequent to these disputes, viz., on 31st July, 1966. It is contended that it is not *bona fide*. That apart, on 1st August, 1966 by Ex. M. 2, V. V. Pakir Mohamed Rowther informed the Chairman of the Madras Port Trust that he is doing the business individually. A firm of partnership has never been held to be a legal entity. A firm of partnership is but a convenient and expeditious device by which two or more individuals join together, pool their resources or labour on a joint venture of business. When a firm is dissolved, no transfer of ownership as such is involved. All that flows from the process of dissolution is that what is owned in common is defined in severality and each member takes his share of the property subject to his share of the liability. That being the case, dissolution of partnership neither involves a transfer nor involves transfer of management of the undertaking and when the undertaking is continued, there could be no change in the employer within the meaning of S. 25-F and Sec. 25-FF of the Industrial Disputes Act. When a person was employed under the firm, after its dissolution when a particular person continues that business, the employee continues in the employment. In other words, there is no change in the employment or the employer. Admittedly in the present case the business is now being carried on by Sri V. V. Pakir Mohamed Rowther. Therefore, there is no substance in the contention now advanced on behalf of the management.

4. Next, it is contended that there is no relationship of an employer and employee so far as those 9 persons are concerned. It is averred in the counter that the firm had two contractors by name Abdul Ghani and Angamuthu, that these two persons supply the necessary labour for the work as and when necessary and that as such there was no direct relationship between the management and these 9 persons. The averment remains only as an averment and the management has not adduced any evidence to substantiate this portion of the case. Raju W.W.1 one of those workers has sworn to the effect that every day he and others go to harbour at 8A.M. and do the work even remaining late in the night under the control of the management. Ex. W-9 is the harbour pass got for W.W. 1 by the employer for getting into the harbour. Similar passes are given to the other workers also. There is no evidence contra. Ex. W-7, dated 18th April, 1966 is a letter by V. V. Pakir Mohammed Rowther and Co. to the Labour Officer, Madras. There is no whisper in this letter about this employment through contractors. On the other hand the positive statement is that these persons were employed by the management as coolies on daily wages. By Ex M-7 (a) on 29th April, 1966 the management had requested the Post Security Officer to seize the photo passes given to these persons. Ex. M-3, dated 1st May, 1964 is an agreement between the two alleged contractors and the management evidencing a contract for the supply of labour. This document is unregistered and has been written on a stamp paper which is dated 8th January, 1963. It is suggested that the management has brought into existence such a document in their attempt to put forth a case of labour through contract system. Ex M-4, dated 19th September, 1966 is a similar agreement, long subsequent to the disputes. Shri Ghani and Sri Angamuthu have not been examined as witnesses. Even Sri Pakir Mohammad Rowther had not gone in the witness box. Therefore, we have to brush aside those two documents. Ex. W-7 contains an admission that these persons were employed by the management. That clinches the matter. Therefore, I have no hesitation in coming to the conclusion that these 9 workers were workmen employed in the concern.

5. The next question for consideration will be one of non-employment, or stoppage from work. It is admitted by the management that they were not given

Sl. No.	Administrator	Depositor	4 3/4% Loan 1989	3 1/2% Bonds 1969	5 1/2% Guj. 1977	4% 1972	3% 1970-75	3 3/4% Loan 1974	3% C.I. 1946	5 1/2% M.F. 1977	5 1/2% W.L. 1987	4% Loan 1969
39	General Officer Commanding, H.Q. U.P. Area, Bareilly.	Victory Fund . . .	40000	—	—	—	—	—	—	—	—	—
	Do.;	Relief Fund . . .	30000	—	—	—	—	—	—	—	—	—
41	Secretary to the Government of India, Ministry of Finance, Department of Economic Affairs, New Delhi.	Cash Balance Investment Account	—	—	147600	159800	140100	5500	288100	99400	98900	864900
42	Do.	Sinking Fund A/c. . .	—	8500	—	—	—	—	—	—	—	8500
43	Do.	Securities of Composite Punjab State which remain to be allo- cated and the securities pertain- ing to the Sinking Fund for re- payment of loans for Beas and Bhakra-Nangal Projects.	—	47022200	1103300	1194600	1047500	41500	2154100	743000	739200	15443000
44	The Registrar, Panjab University, Chandigarh.	—	—	—	—	—	—	—	1000	—	—	—

Reserve Bank of India Securities Department New Delhi.

List of Government securities in the custody of Reserve Bank of India, New Delhi on the 31st December 1966 deposited in terms of Rule 12(6)(b)(ii) of Public Debt Rules 1946

Administrator	Depositor	4½% Raj. S.D. Loan 1970	3% Conver- sion Loan 1946	4% U.P. 1968	Total
Public Debt Office, Reserve Bank of India, New Delhi	1. K. Commercial Co. Private Ltd. Shop No. 68, Sriganganagar	1,000	..	..	1,000
	2. Association for the Higher Education of Indian Women in U.P., Allahabad	..	500	..	500
	3. Satish Kumar Mukerji	..	..	1,500	1,500
			TOTAL	..	3,000

List of Government Securities in the custody of Reserve Bank of India New Delhi on the 31st December 1966, deposited in terms of Rules 12(4)(b)(ii)(x) of the Public Debt Office Rules, 1946.

Administrators	3% Con- version Loan 1946	4% Loan 1970	3% Loan 1970-75	3½% National Plan Bonds 1968	2½% Loan 1961	4% U.P. Loan 1967	3½% National Plan Bonds 1967	3½% Bonds 1962	3½% National Plan Bond, 1961	4% U.P. 1968	Total
Public Debt Office Reserve Bank of India, New Delhi	200	1000	100	19800	500	1000	5200	100	4900	2-	33000
The Manager, Reserve Bank of India, Public, Debt Office, Jaipur	500*	..	..	..	..	..	..	..	..	..	500

*This pertains to 2½% Loan Rajasthan Jagir Resumption Compensation and Rehabilitation Bonds, not 3% Conv. Loan 1946
**Reserve Bank of India,
Security Department,
New Delhi.**

[No. 6929/A.9 (Adm. 66-61)]

(Sd.) Illegible
P. Manager.

